SAN FRANCISCO PUBLIC LIBRARY
3 1223 08679 5334

5/S

5/S

San Francisco Public Library

Government Information Center
San Francisco Public Library
100 Larkin Street 5th Floor
San Francisco, CA 94102

REFERENCE BOOK

Not to be taken from the Library

Digitized by the Internet Archive
in 2014

https://archive.org/details/sanfranciscopol2009sanf_0

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOE REILLY
Secretary

June 26, 2009

F
245
#1
7/1/09
cancelled

SAN FRANCISCO POLICE COMMISSION

Notice of Meeting Cancellation

The Commission will not meet on Wednesday, July 1, 2009.

Please join the Commission at its next meeting on Wednesday, July 8, 2009, at 5:30 p.m., in Room 400, at City Hall.

06-29-09A09:37 RCVD

GOVERNMENT
DOCUMENTS DEPT

JUN 29 2009

SAN FRANCISCO
PUBLIC LIBRARY

[illegible] BRYANT ST. RM. 515, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

3 1223 08679 5334

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JULY 8, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

GOVERNMENT DOCUMENTS DEPT
JUL - 8 2009
SAN FRANCISCO PUBLIC LIBRARY

Roll Call; Pledge of Allegiance

1. **Public Comment**
(Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

2. **Annual Election of Commission Officers** (ACTION ITEM)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
      - Department Budget update
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
      Status Reports:
      - Rules and procedures for Patrol Specials
      - Commission Office staffing

07-08-09A10:36 RCVD
GOVERNMENT DOCUMENTS DEPT
JUL - 7 2009
SAN FRANCISCO PUBLIC LIBRARY

4. **Department's Quarterly Report on Provision of Documents to the OCC covering 4th Quarter 2008 and 1st Quarter 2009** (DISCUSSION ONLY)

5. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
      - Assignment of Disciplinary Charges filed in Case No. JWA C09-128 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission meetings

6. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO.

SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty); at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A sound enhancement system will be available on advanced request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty) at least 72 hours prior to a proceeding. Late requests will be honored if possible.

leeting agendas and other print materials will be made available in alternate formats :omputer disk, cassette tape, large print or Braille) upon advance request at least 72 ɔurs at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 53 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

dividuals with severe allergies, environmental illness, multiple chemical ɜnsitivity or related disabilities should call 553 1343 to discuss meeting accessibility. order to assist the City's efforts to accommodate such people, attendees at public eetings are reminded that other attendees may be sensitive to various chemical sed products.

e proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

cessible MUNI lines serving this location is: 49 Van Ness/Mission
47 Van Ness, 5 Fulton, 31 Balboa
r information about MUNI service call 923 6142

e closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

JULY 8, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:30 p.m.

PRESENT: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek, Pan

PUBLIC COMMENT

Ace Washington discussed charges filed against him by the Department.

Theresa Lang, Payroll Unit SFPD, discussed concerns regarding grievance filed December 4, 2008.

Ms. Campbell, Payroll, discussed concerns regarding overtime requests and hostile work environment.

Petra Diao, Sr. Payroll Clerk, discussed concerns regarding not receiving replies to their memos.

Mabel Doug, Payroll Clerk, discussed concerns regarding treatment by new payroll manager.

Leticia Huttchinson, Payroll, discussed concerns regarding increased work load and stress caused by this.

So Fong Yee, Payroll, discussed concerns regarding increased work load and non ergonomic work stations and asked for more payroll clerks.

Unidentified discussed concerns regarding promotions made in the middle of a budget crises.

Frank Martin Del Campo, SEIU 1021, asked that this situation be looked at because there is retaliatory conduct for filing a complaint and discussed concerns regarding actions by an officer against him.

Commissioner Sparks asked about the grievance process and where is the grievance in the process. Commissioner Sparks explained that the Commission cannot intervene in the day-to-day operations of the Department but would like the Department to give a periodic update as to the process of the grievance.

Deputy Chief Keohane explained that the Department addressed this matter but the Department's offer was denied and that the Department of Human Resources will address this matter and it has been assigned to Ms. Christina Fong and the ERD Case No. Is 38-092021.

Commissioner Sparks asked regarding Payroll staffing. Chief Keohane explained that the Department has hired two Payroll personnel, a Payroll Manager and a Payroll Clerk.

Barbara Growth discussed concerns.

GOVERNMENT DOCUMENTS DEPT

AUG 12 2009

SAN FRANCISCO PUBLIC LIBRARY

ANNUAL ELECTION OF COMMISSION OFFICERS

Commissioner Sparks thanked the Commissioners for their support while she was President of the Commission.

Commissioner Lee thanked Commissioner Sparks for her leadership and nominated Dr. Joe Marshall for President.

Motion by Commissioner Lee, second by Commissioner Mazzucco. Approved 7-0.

PUBLIC COMMENT

None

Motion by Commissioner Marshall, second by Commissioner Lee nominating Commissioner Mazzucco for Vice President.

Motion by Commissioner Sparks, second by Commissioner Pan nominating Commissioner DeJesus for Vice President.

PUBLIC COMMENT
None

Commissioner Pan stated that he has the utmost confidence in everyone on the Commission to serve in leadership roles. However, he thinks that it is good practice to have one officer appointed by the Board and another officer appointed by the Mayor.

Commissioner Sparks also stated that she nominated Commissioner DeJesus because she thinks that it is good practice and it is important to have an individual from both sides of the Legislative and Executive body of the City.

Motion by Commissioner Marshall, second by Commissioner Lee nominating Commissioner Mazzucco for Vice President. Approved 4-3.

AYES: Commissioners Onek, Marshall, Lee, Mazzucco
NAYS: Commissioners Sparks, DeJesus, Pan

RESOLUTION NO. 72-09

ELECTION OF PRESIDENT OF THE POLICE COMMISSION

RESOLVED, that Commissioner Joe Marshall shall serve as President of the San Francisco Police Commission.

AYES: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek, Pan

ELECTION OF VICE PRESIDENT OF THE POLICE COMMISSION

RESOLVED, that Commissioner Thomas Mazzucco shall serve as Vice President of the San Francisco Police Commission.

AYES: Commissioners Onek, Marshall, Lee, Mazzucco
NAYS: Commissioners Sparks, DeJesus, Pan

Commissioner Marshall thanked Commissioner Sparks for her leadership and commended her for her time-consuming work during her term as President.

Commissioner Mazzucco thanked the Commission for his nomination and commended Commissioner Sparks for her leadership.

REPORTS TO THE COMMISSION

a. Chief's Report
- Update on significant policing efforts by Department members
- Department Budget update

Chief Fong, on behalf of the Department and the Command Staff, thanked Commissioner Sparks for her leadership and her guidance during the past years.

Assistant Chief Lynch and Commander Murphy discussed a press

release in regards to the six-month crime summary. Chief Lynch stated that the Department will give a comprehensive report on violent crime at next week's Commission meeting.

Commander Murphy gave a brief summary of the press release on violent crimes.

Commissioner Onek phrased the Department and the community for stepping up and lowering the crime rates.

Commissioner Marshall stated he would really like to know why the downturn in the number of crimes because it is important to know. Commander Murphy stated that he thinks it is a consolidated effort on everybody's part.

Commissioner Lee would like a comparison to the national trend.

Commissioner Mazzucco would like feedback from the community as to what they are seeing out there.

Commissioner Sparks would like feedback from the community to see if the community feels more comfortable with the Department.

Commissioner Pan would like to know exactly what's being done differently that drove the numbers down.

Chief Fong introduced Director Ken Bukowski to give a brief overview on the department's budget. Director Bukowski discussed the changes made to the budget by the Board of Supervisor. He stated the budget was passed out of committee with the Department's $5 million cut. He stated that the full Board has until the end of July to pass a final budget. Director Bukowski stated that there is no additional new uniformed staffing for the next fiscal year. He also stated there is no new civilian staffing budgeted for the next fiscal year.

Chief Fong talked about a press release in regards to the Traffic Company and commended the Traffic Company for tying first place with LAPD for traffic safety operations at the California Law Enforcement Challenge.

Chief Fong also announced that on-line reporting have been transferred to 311.

Commissioner Pan asked the Department to do spot checks on 311 because it is relatively new. Chief Fong explained that there is a sergeant overseeing and working with the 311 staff and that the Department did provide training but the Department will continue to monitor to make sure that it is an effective program.

b. OCC Director's Report
- Review of recent activities

Director Hicks thanked Commissioner Sparks for her support during her presidency and congratulated Commissioners Marshall and Mazzucco for their nominations.

Director Hicks reported that the OCC has 531 opened cases and closed 515 cases, sustained 25 cases to date. She stated that the OCC has 408 pending cases, 75 from 2008, 33 from 2009 and has resolved 98 percent of their 2008 cases. Director Hicks also reported that the OCC has mediated 39 cases as of June 30th.

PUBLIC COMMENT
None

c. Commission Reports
- **Commission President's Report**
- **Commissioners' Reports**

Status Reports:
- **Rules and procedures for Patrol Specials**
- **Commission Office staffing**

Commissioner Mazzucco announced that, in an effort to speed up the disciplinary process, he met with Chief Fong, Assistant Chief Lynch, Jerry Tidwell, and Lt. Reilly and talked about trying to return some officers back on the street and that they have identified some potential cases that can be resolved by way of disposition. Commissioner Mazzucco asked the Chief and Director Hicks to look through their case dockets to see what case can be resolved within the next month or so.

Commissioner Mazzucco also talked about the passing of two officers, Officer Mike Walsh and Officer Lawrence Lynch. Commissioner Mazzucco asked that the meeting be adjourned in honor of Officer Walsh and Officer Lynch.

Commissioner DeJesus reported that she, along with Commissioners Marshall and Lee, met with the Immigrant Rights Defense Group and stated that they have a lot of creative ideas on how to resolve issues that's impacting the community in terms of taking driver's license away from people and impounding their cars for 30 days. Commissioner DeJesus stated that the group provided them with ideas that the Commission have passed on to the City Attorney. The City Attorney met with the Department and the Department has issued bulletins immediately to try, remind, and clarify how the officers will address individuals. The Commission will then work with the City Attorney on policies.

Commissioner Sparks asked if this issue can be calendared and discussed in public. Chief Fong stated that she would discuss materials with the City Attorney, put together a presentation, and then present it to the Commission.

PUBLIC COMMENT
None

DEPARTMENT'S QUARTERLY REPORT ON PROVISION OF DOCUMENTS TO THE OCC COVERING 4TH QUARTER 2008 AND 1ST QUARTER 2009

Lieutenant Mahoney, Legal Division, presented the department's quarterly report on Provision of Documents to the OCC for the 4th quarter 2008 and 1st quarter 2009.

Ms. Elise Nicholson, OCC, addressed the Commission in regards to the quarterly reports.

PUBLIC COMMENT
None

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements
- **Assignment of Disciplinary Charges filed in Case No. JWA C09-128 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 69-09,

Assigned to Commissioner Petra DeJesus)

b. Scheduling of items identified for consideration at future Commission meetings

Commissioner Sparks suggested having one or two meetings to hear disciplinary cases and that she would like to discuss this with Commissioner Marshall.

Commissioner Pan suggested giving the community groups address the new Chief of Police to give the new Chief a chance to get to now the different community groups.

PUBLIC COMMENT

None

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Onek to adjourn the meeting in memory of Officer Michael Walsh, Officer Lawrence Lynch, and Community Member, Mr. Alan White. Approved 7-0.

Thereafter, the meeting was adjourned at 8:07 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 15, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Public Comment**
(Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

2. **Consent Calendar** (RECEIVE & FILE; ACTION ITEM)
   - Police Commission's 2nd Quarter 2009 Report of Closed Session Disciplinary Actions (Veronese Resolution)
   - OCC's 2nd Quarter 2009 Statistical Report

07-15-09A11:44 RCVD

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members
      - Presentation of the 2nd Quarter 2009 FDRB Findings & Recommendations
      - Presentation of the Officer-Involved Shooting Investigation Status Summary
      - 2009 Midyear Crime Trends & Homicide Overview
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports
      Status Reports:
      - Rules and procedures for Patrol Specials
      - Commission Office staffing

GOVERNMENT DOCUMENTS DEPT
JUL 15 2009
SAN FRANCISCO PUBLIC LIBRARY

4. Presentation of the Quarterly Report by the Department and the Office of Citizen Complaints regarding Policy Proposals (Sparks Resolution)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 15, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

5. **Routine Administrative Business** (DISCUSSION & POSSIBLE ACTION)
   a. Commission Announcements
   b. Scheduling of items identified for consideration at future Commission Meetings

6. Public Comment on all matters pertaining to Closed Session.

7. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

8. Closed Session

   a. Pursuant to Government Code section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1):) (DISCUSSION ONLY)
   CONFERENCE WITH LEGAL COUNSEL : Pending Litigation
   Fonseca v. Fong, California Court of Appeal Case No. A120206; San Francisco Superior Court Case No. 507-227

(OPEN SESSION)
Roll Call.

9. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. **Adjournment** (ACTION ITEM)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting in the Ingleside District, at the Paul Revere College Preparatory School, 555 Tomkins Street, San Francisco, at 6:00 p.m., on Wednesday, July 29, 2009, to hear comments from the public and Ingleside Station Captain David Lazar concerning public protections issues in the Ingleside District.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty); at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A sound enhancement system will be available on advanced request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty) at least 72 hours prior to a proceeding. Late requests will be honored if possible.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

Accessible MUNI lines serving this location is: 49 Van Ness/Mission
47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

JULY 15, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco at 5:38 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall, Mazzucco, Lee, Onek, Pan, Sparks
ABSENT: Commissioner DeJesus

(Commissioner Onek arrived at 5:42 p.m. and Commissioner Lee arrived at 5:51 p.m.)

PUBLIC COMMENT

None

CONSENT CALENDAR

- **Police Commission's 2nd Quarter 2009 Report of Closed Session Disciplinary Actions (Veronese Resolution)**
- **OCC's 2nd Quarter 2009 Statistical Report**

Motion by Commissioner Pan, second by Commissioner Mazzucco to accept and receive consent calendar items. Approved 5-0.

REPORT TO THE COMMISSION

a. **Chief's Report**

- **Update on significant policing efforts by Department members**
- **Presentation of the 2nd Quarter 2009 FDRB Findings & Recommendations**
- **Presentation of the Officer-Involved Shooting Investigation Status Summary**
- **2009 Midyear Crime Trends & Homicide Overview**

Chief Fong introduced Sergeants Mike Nevin and Jennifer Jackson to present the 2nd Quarter 2009 FDRB Findings & Recommendations and the OIS Investigation Status Summary.

Sergeant Mike Nevin presented the 2nd Quarter 2009 FDRB Findings and Recommendations report and the OIS Investigation Status Summary report.

Deputy Chief Cashman presented part of the 2009 midyear crime trends and homicide overview. Chief Cashman stated that homicides for the first month of this year as compared to the last year are down 52 percent; rape is down 10 percent; robbery is down 15 percent; aggravated assault is down six percent; burglary is even from last year; larceny is down 13 percent; motor vehicle theft is down 17 percent; and arson down seven percent.

Commander Murphy presented part of the 6-month review of the violence reduction plan. Commander Murphy stated that as staffing goes up, the number of violent crimes go down.

Deputy Chief Shinn presented the homicide statistics. Chief Shinn stated that is a 52 percent decrease for the first six months as compared to 2007.

Commissioner Onek commended the Department for the decrease in violence. Commissioner Onek also talked about the increase in clearance rate and asked if the increase in clearance rate is documented and is one of the reason for the increase in clearance rate due to better cooperation from the community. Chief Cashman stated that he does not know if it is documented

GOVERNMENT DOCUMENTS DEPT
AUG 25 2009
SAN FRANCISCO PUBLIC LIBRARY

but it can be done. Commissioner Onek suggested that maybe there are additional ways to look at clearance rates that may offer additional guidance on what actually is happening.

Commissioner Lee asked about juveniles and what the department is doing to provide intervention. Deputy Chief Cashman stated the Department is working with the Juvenile Probation Department. Chief Cashman also talked about the School Resource Officers Program to build a relationship between the officers and the juveniles.

Commissioner Sparks asked about statistics on investigations like the number of investigative hours from time it occurred to the time it is cleared. Deputy Chief Cashman stated that he does not know if statistics like the number of investigative hours is kept but he does know that investigation are kept active until the number of leads are exhausted. He also stated that there is an oversight with the unit lieutenant and it is the OICs call whether or not to continue with the investigation.

Commissioner Marshall asked what is the Department doing differently now to come up with lower crime rates. Chief Cashman stated what's different is the staffing levels have allowed the Department to do this along with the study by Dr. Bragga has helped with the violence reduction.

Commissioner Sparks talked about the budget reduction and the reduction in staffing. She asked how is the Department monitoring the impact of the reduction in staffing. Chief Fong stated that the key is continuity of officers in areas of violence and not to deplete that foundation and the challenge will be is to move staff around without depleting other areas for staffing.

Commissioner Pan commended the Department in the reduction of violent crimes. He also asked about access to guns. Deputy Chief Cashman stated that gun possession and gun violence is a top priority for the Department.

b. OCC Director's Report
- Review of Recent Activities

Director Hicks reported on cases received and mediation. Director Hicks stated that the OCC opened 547 cases from January 1st and closed 533 cases; sustained 25 to date. There are 404 pending cases, 68 from 2008 and 337 from 2009. As far as mediation, the OCC mediated three cases this month and 42 cases for the year.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports
Status Reports:
- **Rules and procedures for Patrol Specials**
- **Commission Office staffing**

Commissioner Sparks reported that she and Commissioner Marshall attended the Rinconn Hill Neighborhood Association meeting last week to talk about the Chief search process and stated that she has received a number of inquiries about the process.

Commissioner Mazzucco reported that he had a meeting this week in regards to discipline and stated that they are getting closer to getting new ideas as to how to clear cases much sooner to benefit the public and the officers. Commissioner Mazzucco also talked about setting a status conference within 15 days of filing of charges so that they can meet with the assigned

Commissioner and he encouraged both the OCC and MCD to have offers made at that time. Commissioner Mazzucco also talked about setting a "master calendar" night to have officers with charges pending to be present with their counsels to set dates for hearings and/or settlements.

Commissioner Onek expressed support of the ideas mentioned by Commissioner Mazzucco and agreed that these cases need to be moved as quickly as possible.

Commissioner Pan also agreed that discipline needs to be top priority.

Commissioner Lee also announced that she and Commissioner DeJesus will be attending a conference sponsored by PERF in Arizona in regards to immigrant rights.

Commissioner Marshall asked Director Hicks if there is an increased in complaints as a result of increased policing. Director Hicks stated that she has not seen an increase in complaints that resulted increased or aggressive policing.

PUBLIC COMMENT

Jeff Gustavson discussed concerns regarding actions by police from the Northern Station.

PRESENTATION OF THE QUARTERLY REPORT BY THE DEPARTMENT AND THE OFFICE OF CITIZEN COMPLAINTS REGARDING POLICY PROPOSALS (SPARKS RESOLUTION)

Lieutenant Rob O'Sullivan, Planning, presented the quarterly report by the Department and the OCC regarding policy proposals.

Commissioner Sparks asked about bulletins that have been issued in regards to protocols for dealing with members of the transgender community and stated that out of all the bulletins that have been issued, only two were not incorporated into a general order. Commissioner Sparks asked if those two bulletins, instead of being reissued, if they can be included into a general order since they have been adopted as standard issues.

Ms. Elise Nicholson, OCC, highlighted some of the accomplishments by both the Department and the OCC.

PUBLIC COMMENT

None

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

b. Scheduling of items identified for consideration at future Commission Meetings

Lieutenant Reilly announced that on the 29th of July the Commission will be meeting in the Ingleside District at the Paul Revere College Preparatory School, 555 Tompkins Street.

Commissioner Sparks would like a report from the Department in regards to the SPOT Program.

Commissioner Pan would like a report in regards to the use of Public Safety Cameras and would like a firm recommendation from the Department in regards to the use of the cameras.

PUBLIC COMMENT

None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 6-0.

CLOSED SESSION (7:56 p.m. to 8:55 p.m.)

a. **CONFERENCE WITH LEGAL COUNSEL: Pending Litigation Fonseca v. Fong, California Court of Appeal Case No. A120206; San Francisco Superior Court Case No. 507-227.**

(Present: Commissioners Marshall, Mazzucco, Lee, Onek, Pan, Sparks, City Attorney Stump, Lt. Reilly)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek for non disclosure. Approved 6-0.

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Pan. Approved 6-0.

Thereafter, the meeting was adjourned at 8:56 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 22, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Adoption of Minutes** (ACTION ITEM)
   - Regular Meeting of June 10, 2009

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

07-21-09P01:21 RCVD

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports
        Status Reports:
        - Rules and procedures for Patrol Specials
        - Commission Office staffing

GOVERNMENT
DOCUMENTS DEPT

JUL 21 2009

SAN FRANCISCO
PUBLIC LIBRARY

4. Discussion and possible action to approve a resolution that the Commission will set initial status conferences within 15 days of filing for all newly-filed disciplinary cases (ACTION ITEM)

5. **Routine Administrative Business** (DISCUSSION & POSSIBLE ACTION)
   a. Commission Announcements
      - Assignment of Disciplinary Charges filed against Patrol Special Hanley Chan (Case No. ALW C09-120) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission Meetings

6. Public Comment on all matters pertaining to Closed Session

7. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 22, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

8. Closed Session

   a. Pursuant to Government Code section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to grant or deny Motion for Dismissal of Disciplinary Charges filed in Case No. C07-023 ALW (ACTION ITEM)

   b. Pursuant to Government Code section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1):) (DISCUSSION ONLY)
   CONFERENCE WITH LEGAL COUNSEL : Pending Litigation
   John Tennison, et al., v. CCSF, et al., US District Court Northern District of California, Case no. C04-0574 CW
   Antoine Goff, et al., v. CCSF, et al., US District Court Northern District of California, Case No. C04-1643 CW

(OPEN SESSION)
Roll Call.

9. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. Approval of Consent Calendar (ACTION ITEM)
   a. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:
   John Tennison, et al., v. CCSF, et al., US District Court Northern District of California, Case no. C04-0574 CW
   Antoine Goff, et al., v. CCSF, et al., US District Court Northern District of California, Case No. C04-1643 CW

11. **Adjournment** (ACTION ITEM)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting in the Ingleside District, at the Paul Revere College Preparatory School, 555 Tomkins Street, San Francisco, at 6:00 p.m., on Wednesday, July 29, 2009, to hear comments from the public and Ingleside Station Captain David Lazar concerning public protections issues in the Ingleside District.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

JULY 22, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton Goodlett Place, San Francisco, at 5:33 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall, Mazzucco, Onek Pan, Sparks
ABSENT: Commissioners DeJesus, Lee

(Commissioner Pan arrived at 5:40 p.m.)

ADOPTION OF MINUTES

- **Regular Meeting of June 10, 2009**

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 5-0.

PUBLIC COMMENT

None

REPORTS TO THE COMMISSION

a. Chief's Report
- **Update on significant policing efforts by Department members**

Assistant Chief Lynch updated the Commission in regards to the budget and that it went before the Board yesterday with a cut of two commanders and one deputy chief position in addition to a commander's position previously cut. Additionally, $11.9 million of the Department's budget is put on reserve. Chief Lynch stated that there will be a second reading of the budget next week.

Commissioner Sparks asked for clarification as to the Board of Supervisors having the authority to dictate how large the command staff can be or is it just an overall reduction in funding of the entire budget representing the exact amount of money for those command staff positions. Commissioner Sparks also asked, as far as the funds held in reserve, is there a specific trigger that the Board outlined upon which they would release the funds or is it just based on some arbitrary event.

b. OCC Director's Report
- **Review of Recent Activities**

Director Hicks reported on cases received and mediation. Director Hicks stated that the OCC opened 562 cases to date and closed 546 cases; sustained 27 cases. The OCC has 407 pending cases, 64 from 2008 and 344 from 2009. Director Hicks reported on mediation and stated the OCC mediated 4 cases this month and 43 to date.

c. Commission Reports
- **Commission President's Report**
- **Commissioners' Reports**

Status Reports:
- **Rules and procedures for Patrol Specials**
- **Commission Office staffing**

None

PUBLIC COMMENT

Unidentified expressed concern regarding applying for a permit for vending food license. Commissioner Sparks recommended that he goes to Supervisor Chew's office. Deputy Chief Keohane stated that he will talk to

GOVERNMENT DOCUMENTS DEPT
AUG 25 2009
SAN FRANCISCO PUBLIC LIBRARY

him and provide him some information.

DISCUSSION AND POSSIBLE ACTION TO APPROVE A RESOLUTION THAT THE COMMISSION WILL SET INITIAL STATUS CONFERENCES WITHIN 15 DAYS OF FILING FOR ALL NEWLY-FILED DISCIPLINARY CASES

Commissioner Mazzucco explained the purpose of this resolution and that the Commission does not have a finalized draft and asked that this be put over to the first meeting in August.

Commissioner Onek expressed his support for this resolution and commended Commissioner Mazzucco for his leadership in doing this.

PUBLIC COMMENT
None

ROUTINE ADMINISTRATIVE BUSINESS

a. **Commission Announcements**

- **Assignment of disciplinary charges filed against Patrol Special Hanley Chan (Case No. ALW C09-120) to an individual Commissioner for taking of evidence on a date to be determined by the Commissioner** (Resolution No. 70-09, assigned to Commissioner Mazzucco)

b. **Scheduling of items identified for consideration at future Commission Meetings**

The Commission will meet in the Ingleside District on the 29th of July at Paul Revere College Preparatory School, 555 Tomkins Street, San Francisco, at 6 p.m.

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Onek, second by Commissioner Mazzucco. Approved 5-0.

CLOSED SESSION (6:07 p.m.)

a. **PERSONNEL EXCEPTION: Discussion and possible action to grant or deny motion for dismissal of disciplinary charges field in case no. ALW C07-023** (Resolution No. 71-09)

(Present: Commissioners Marshall, Mazzucco, Onek, Pan, Sparks, Mr. Lassart, Lieutenant Reilly)

b. **CONFERENCE WITH LEGAL COUNSEL : Pending Litigation**
John Tennison, et al., v. CCSF, et al., US District Court Northern District of California, Case no. C04-0574 CW
Antoine Goff, et al., v. CCSF, et al., US District Court Northern District of California, Case No. C04-1643 CW

(Present: Commissioners Marshall, Mazzucco, Onek, Pan, Sparks, City Attorney Jo Hoeper, Lieutenant Mahoney, Lieutenant Reilly)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek for non disclosure. Approved 5-0.

APPROVAL OF CONSENT CALENDAR

a. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:
John Tennison, et al., v. CCSF, et al., US District Court Northern District of California, Case no. C04-0574 CW
Antoine Goff, et al., v. CCSF, et al., US District Court Northern District of California, Case No. C04-1643 CW

Motion by Commissioner Pan to recommend that the Board of Supervisors approve the settlement. No second.

(Letter sent to the City Attorney stating the following: "The San Francisco Police Commission, at its meeting of Wednesday, July 22, 2009, considered this matter in closed session.

The Commission did not vote to recommend this settlement to the Board of Supervisors."

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 5-0.

Thereafter, the meeting was adjourned at 7:38 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 29, 2009
6:00 p.m.

Ingleside District
Paul Revere College Preparatory School
555 Tompkins Street
San Francisco

Pledge of Allegiance; Roll Call

1. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports
        Status Reports:
        - Rules and procedures for Patrol Specials
        - Commission Office staffing

2. Captain David Lazar, Commanding Officer of Ingleside Station, to address the Commission on Police Activities in the Ingleside District (DISCUSSION ONLY)

3. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

4. **Routine Administrative Business** (Discussion Only)
   a. Commission Announcements
      - Assignment of Disciplinary Charges filed against Patrol Special Hanley Chan (Case No. ALW C09-152) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Items identified for consideration at future Commission Meetings

5. Public Comment on all matters pertaining to Closed Session

6. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

GOVERNMENT
DOCUMENTS DEPT

JUL 29 2009

SAN FRANCISCO
PUBLIC LIBRARY

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 29, 2009
6:00 p.m.

Ingleside District
Paul Revere College Preparatory School
555 Tompkins Street
San Francisco

7. Closed Session

   a. Pursuant to Government Code section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to approve or disapprove the Stipulated Disposition of disciplinary charges filed in Case No. ALW C08-079 (ACTION ITEM)

   b. Pursuant to Government Code section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (DISCUSSION ONLY)
   CONFERENCE WITH LEGAL COUNSEL : Pending Litigation
   Fonseca v. Fong, California Court of Appeal Case No. A120206; San Francisco Superior Court Case No. 507-227

(OPEN SESSION)
Roll Call.

8. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

9. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held in the **Ingleside District, Paul Revere College Preparatory School, 555 Tompkins Street, San Francisco**. For information about MUNI service, please call 311.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

JULY 29, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Ingleside District at Paul Revere College Preparatory School, 555 Tompkins Street, San Francisco, at 6:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan
(Commissioner Pan was excused at 9:00 p.m.)

Commissioner Marshall welcomed the audience and asked the Commissioners to introduce themselves and give a brief bio. Commissioner Marshall also introduced Supervisor Campos who was a former Commissioner. Supervisor Campos addressed the Commission and welcomed the Commission to his District. Supervisor Campos also acknowledged the work of Chief Fong.

Captain Lazar presented the Walsh Family with a shadow box honoring Officer Mike Walsh's career with the Police Department. Mrs. Walsh thanked Captain Lazar and the officers of Ingleside for their support and generosity and the comfort provided by the police to the family.

Commissioner Mazzucco said a few words to the Walsh Family and stated that being part of the San Francisco Police family will never go away.

Ms. Torpie, Postal Inspection Service, commended and presented a Certificate of Appreciation to Officer Rightmire for his help with the arrest of a suspect while off-duty.

REPORTS TO THE COMMISSION

a. Chief's Report
- Update on significant policing efforts by Department members

Chief Fong introduced the Command Staff present. Present were Assistant Chief Lynch, Deputy Chief Cashman, Deputy Chief Shinn, Commander Murphy, Commander Brown, and Commander Tong. Chief Fong announced Tuesday, August 4th, is National Night Out. Chief Fong also announced that the Department have been awarded $16,562,750 for the hiring of 50 officers in the next fiscal year and commended Sergeant Dave Collins for writing and applying for the grant.

Commissioner Sparks asked about marijuana raids in the Sunset District and asked what the Department's role was in the raids. Deputy Chief Cashman explained that there's been several high risk entrepreneurial occupations of cultivating marijuana for profit. Chief Cashman explained that they get the information from informants and complainants and stated that based on the Department's bulletin, 24 plants is allowed for medicinal marijuana, last night's operation had 350 plants.

b. OCC Director's Report
- Review of recent activities

Director Hicks addressed the audience and described the duties and responsibilities of the Office of Citizen Complaints. Director Hicks announced that the OCC received 1,021 complaints in 2008 and to date have received 579 complaints.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports
Status Reports:
- Rules and procedures for Patrol Specials
- Commission Office staffing

GOVERNMENT DOCUMENTS DEPT
AUG 3 1 2009
SAN FRANCISCO PUBLIC LIBRARY

Commissioner DeJesus reported about a summit in Phoenix, Arizona, in regards to Immigration Policies.

PUBLIC COMMENT
None

CAPTAIN DAVID LAZAR, COMMANDING OFFICER OF INGLESIDE STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE INGLESIDE DISTRICT

Captain Lazar gave a comprehensive overview of the state of the Ingleside Police District and an update on the Phase I Implementation Plan selected for the Ingleside Station.

Commissioner Pan asked about gun seizures and traffic citations. Captain Lazar stated that he'd like to see more gun seizures and more traffic citations. Captain Lazar explained that gun seizures is more important because public safety and preventing crime is number one on the list. As far as traffic citations, he would like to see the numbers go up because issuing a traffic citation sends a message to motorists to slow down and it's been statistically proven that it prevents vehicle collisions and injury accidents.

Commissioner Mazzucco asked how often does Captain Lazar talk to the Daly City PD Chief and with City College Chief. Captain Lazar stated that he met with the Daly City Police Chief and the Brisbane Police Chief to meet and talk about Phase I implementation Commissioner Mazzucco suggested meeting monthly with the different Chiefs since they are neighboring jurisdictions.

PUBLIC COMMENT

Joanna Hernandez, Excelsior District resident, asked about gang intervention and dealing with youths. Captain Lazar stated that during the summer when the youth are not in school is where are they. Captain Lazar stated that foot beat officers are instructed to engage the youths and refer them to different resources. Ms. Hernandez also discussed arrest of her son for mistaken identity and suggested retraining for the involved officer.

Unidentified thanked Captain Lazar and suggested that citations be included for bicyclists and discussed concerns regarding driving while on the phone.

Jeff Lane, Bernal Heights Board of Directors and SF Safe, commended Captain Lazar and discussed problems with transferring officers on the whim of the command staff.

Paulette Brown discussed concerns regarding the murder of her son and asked for help solve her son's case.

Commissioner Pan suggested that the Department make sure that the way emails are used are always appropriate and that officers receive training on the use of emails. Commissioner Pan also asked about data as far as calls coming from land line versus cell phones because 911 calls from cell phones are routed differently and language access are sometimes not available for cell phone 911 callers. Captain Lazar stated that officers did receive training from the MIS Unit. Captain Lazar will also look into language access for cell phone users.

Unidentified discussed concerns regarding cars parking on lawns and suggested training in regards to rules of parking on the lawn and how to address it.

Bruce, Excelsior resident, discussed SF Safe on Lisbon Street and discussed concerns regarding excess drinking in Crocker Amazon and illegal dumping and graffiti-filled trucks parked in the area.

Andrea O'Leary thanked Captain Lazar for PERF implementation and addressed quality involvement in quality of life issues and concerns regarding off leash dogs in parks.

Unidentified commended Captain Lazar for listening and urge the Commission that Captain Lazar be given more than two years at Ingleside Station.

Michelle Jones, Andover resident, discussed 4th of July and thanked officers for fireworks enforcement and thanked Ingleside officers and Captain Lazar.

Mary Harris commended the Commission for selection of the new Chief of Police and is elated about emails and voice mail for officers and commended Captain Lazar for attending the 4th of July celebrations and went on to talk about the community survey.

Robert Greco, Excelsior District Association, commended Captain Lazar and the officers of Ingleside Station.

Commissioner Lee asked about training in regards to domestic violence and dealing with non-English speakers. Captain Lazar stated that the Academy has more training in cultural competency and sensitivity than other academies and stated that next week there will be more training in the station.

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

- **Assignment of Disciplinary Charges filed against Patrol Special Hanley Chan (Case No. ALW C09-152) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 73-09, Assigned to Commissioner Mazzucco)

b. Items identified for consideration at future Commission Meetings

Commissioner Lee asked about Chinatown Community Meeting.

PUBLIC COMMENT

None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 6-0.

CLOSED SESSION (9:30 p.m. to 10:00 p.m.)

a. PERSONNEL EXCEPTION: Discussion and possible action to approve or disapprove the stipulated disposition of disciplinary case No. ALW C09-079 (Item continued to next week)

(Present: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Sparks, Attorney P. Furst, Attorney A. Worsham, officer involved, Sgt. Williams, and R. Tom)

b. CONFERENCE WITH LEGAL COUNSEL: Pending Litigation Fonseca v. Fong, California Court of Appeal Case No. A120206; San Francisco Superior Court Case No. 507-227 (Item put over to next week)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Lee for non disclosure. Approved 6-0.

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 6-0.

Thereafter the meeting was adjourned at 10:15 p.m.

_____

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, AUGUST 5, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

5

1. **Adoption of Minutes** (ACTION ITEM)
   - For the meetings of June 17th & July 8, 2009

5/09

2

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
        Status Reports:
        - Rules and procedures for Patrol Specials
        - Commission Office staffing

GOVERNMENT
DOCUMENTS DEPT

AUG - 4 2009

SAN FRANCISCO
PUBLIC LIBRARY

4. Discussion and possible action to adopt a resolution requesting the Board of Supervisor for approval to accept and expend funds donated by the Supporters of the San Francisco Police Department's Wilderness Adventure Youth Program in the amount of $40,000.00 to purchase two new passenger vans to use on Youth Wilderness Trips (ACTION ITEM)

5. Discussion and possible action to approve a resolution that the Commission will set initial status conferences within 15 days of filing for all newly-filed disciplinary cases (ACTION ITEM)

6. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
   b. Scheduling of items identified for consideration at future Commission meetings

7. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

AUGUST 5, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:38 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall, Mazzucco, Lee, Pan, Sparks
ABSENT: Commissioners DeJesus, Onek

ADOPTION OF MINUTES

- **Regular Meetings of June 17th & July 8, 2009**

Motion by Commissioner Mazzucco, second by Commissioner Pan. Approved 5-0.

Acting Police Chief of Daly City Police Department presented a Certificate of Commendation to Sergeants of the Gang Task Force and Ingleside Station.

Commissioner Marshall thanked the Chief for presenting the certificates to the officers.

109

Commissioner Mazzucco thanked the Chief for presenting the certificates and recognizing the officers.

PUBLIC COMMENT

Commissioner Lee introduced representatives from Self Help for th Elderly to address the Commission.

Amy Cheung, Self Help for the Elderly, introduced three seniors and went on to commend Chief Heather Fong for her help with the elderly and thanked the Chief for 32 years of helping with the elderly.

Jeanette Berger commended Department for National Night Out and commended Captain Chignell for his help with the community.

Daphny Kwok commended Chief Fong and thanked her for her leadership.

Mr. Richardson commended Chief Fong for her help in public housing in the Northbeach area and congratulated her on her retirement.

Unidentified discussed concerns.

Unidentified congratulated the Chief on her retirement and went on to discuss concerns about gang injunctions.

REPORTS TO THE COMMISSION

a. Chief's Report

- **Update on significant policing efforts by Department members**

Chief Fong introduced Captain O'Leary, Narcotics Division, who reported on the Department's marijuana policy. Captain O'Leary stated that when the Department gets these cases and an arrest is made, it is presented to the District Attorney's Office and prosecuted under 11366.5 of the Health and Safety Code which is a wobbler, it can go either felony or misdemeanor. Captain O'Leary stated that the DA's office has been going on felony with these charges. Captain O'Leary also stated that these cases are also being presented to the City Attorney's Office where they pursue these cases for code abatement.

Commissioner Sparks asked what the philosophy in going after the growers of marijuana. Captain O'Leary stated that when the medical marijuana issue began in San Francisco, there was a lot of unanswered questions like who is the lead agency and who is responsible for regulating the

GOVERNMENT
DOCUMENTS DEPT

AUG 25 2009

SAN FRANCISCO
PUBLIC LIBRARY

dispensaries. Captain O'Leary stated that in the neighborhoods, the people were shocked to find dispensaries in their neighborhood. They did not object to the dispensaries itself, they objected to the pedestrian and vehicular traffic it was causing, trash, and noise the dispensaries were creating. Captain O'Leary stated that the Department of Public Health became the lead agency. Captain O'Leary stated that a lot of marijuana grows presented to the Narcotics Division are in residences where there is a high fire danger and a dense neighborhood community. Captain O'Leary stated that the Department has a duty to follow up on tips whether it comes from the Fire Department, Utility Company, or a neighbor.

Commissioner Sparks suggested that the Commission should get involve in some of the dialogues around the city in regards to marijuana grows.

Commissioner Pan asked about resources used by the Department surrounding this issue. Captain O'Leary stated in the Narcotics Division, it usually starts with a tip or a complaint. Then there is the investigative work to make a determination if there is a grow. The next step is how to get in, then if there is marijuana involved, seize the marijuana, package it, and move it to the crime lab and then present the case. Captain O'Leary stated that it takes about 20 hours of police work. Commissioner Pan stated that it is important to let the public know that this is not the primary focus of the Narcotics Division and that it's only 10 percent of the time.

Commissioner Mazzucco asked if there is anybody living in the houses or are they just grow cites. Captain O'Leary stated that the larger grows are not being used as residences, the growers come and go, and sometimes they put everything on timers as far as electricity and water.

Chief Fong introduced Lt. Stephan Thorne to update the Commission in regards to transgender training. Lt. Thorne updated the Commission in regards to the Transgender Community Awareness Training.

Commissioner Sparks commended Lt. Thorne for what he has done and for his personal sacrifices for the Department and the community. She went on to thank Chief Fong for being an advocate for this training.

Chief Fong acknowledged Commander Harper for her help with the training.

Chief Fong introduced Lt. Jim Miller to discussed the Text-a-Tip Program. Lt. Miller described the Text-a-Tip Program which is basically texting a tip through cell phones. This program will be ready for implementation in a week or two.

Chief Fong made the following statement:

"I want to thank each of you for the privilege of serving as Chief of Police these last five years and for your guidance as well as for your support.

The list is so long, we would be here far too long if we started to identify all of the accomplishments of this Department. And, so, what I'd like to do is just highlight, kind of a framework ... it took a long time to try to think about what we truly, if we had to do a summary.

First of all we worked hard on building partnerships with our community throughout this city. The policies, whether it's the LEP policy, the increased efforts towards community engagement, all of those partnerships are key because the work of this department cannot happen without the partnership with the community. It's not just on a day-to-day basis, it's that partnership for the future, and with your approval of the studies, we brought the community to

the table along with us on all of those. And as these studies and recommendations are implemented the community will continue to be a part of that.

We work closely with city government. We are one of many departments in this city and in some cases other department didn't know of the work we did, but in many ways we found relationships could be developed where we were helping other departments and they were helping us, and many of the members of the department have now come very close to some of the other departments' city staff because we work together with DPW, with the school district, with Rec Park, with Public Health, with the Housing Authority. The list can go on and on and on, with the MTA, with the Human Rights Commission as Lt. Thorne mentioned. But we are working there all the time and we're a phone call away from each other. We can only be successful as a Police Department if we have those close relationships with out other city partners.

We've also worked very hard to look at what we could do to insure that the staffing, the resources of this Department is sufficient so that the members of this Department can fulfil the expectations of the public but also of city government and of ourselves. We worked very hard to fight for the budgets. You were there alongside with us. Not only for sworn members, as we recall from the graduation last Friday, 21 academy classes since 2004, over 700 officers. Civilians, non-sworn staff members who we know are just as important to this Department, not only at the line level but also at the manager level.

Is this enough? It's a great beginning but there is still much more work to be done. It's because of this staff that this Department has been able to do so many things that we felt challenged about taking on. For instance, foot patrols. We all know that foot patrols are the right thing to do but we were put in a difficult situation when we didn't have the resources. That's no longer the case. I hear so often, as I'm sure you do, from the community about how happy they are, about pleased they are to see such a great visible police presence.

Assignments in units. The creation of a Cold Case Unit, the creation of a Crime Analysis Unit, crime mapping, those are all key areas that a modern day police department can have and should have. And so, this is a start.

Also, we had a promotional celebration last week. You can't make promotions if you don't have line staff. And so, over the years because of this increase in staffing, we've been able to give more responsibility to members of this department who truly are, as I say to our officers, they are the future of this department but the supervisors and the managers are also the future of this department and there is a lot of talent in those ranks.

And, finally, I believe that we have to focus on the work for accountability and on accountability. We have put a number of mechanisms in place to insure that not only are we helping our members, that we are tracking areas to help each of our members perform better so that we can provide better training, better opportunities for rotating throughout the department, but also opportunities where we can work more efficiently and more effectively with the people that we have and the resources that we have.

A key area is how do we coordinate. I spoke of coordinating with the public, coordinating with city government, but we as the department must coordinate inside the department and some of the changes that have happened have resulted in environments where sometimes when we're discussion issues people who are in one chair are speaking about issues from another chair and they are truly working together to come up with the results that are needed and

the plans and initiatives that are so important for us in this city.

And so this is the framework that I think, as I leave, this is the framework for the future of this department. You have very talented police officers. I'm so proud of each and every member of this department. They work hard through difficult times and they are also proud to be San Francisco police officers. I have a great command staff. They have taken hits because people have chosen to attack me. They have continued to work hard and I'm truly grateful to them.

And, I as I move on, I thank you all for these opportunities. I will look to our Department and be very proud of them as a member of the San Francisco community, and they will always be in my heart. So, thank you for your support, your guidance, and for this great privilege."

Commissioner Pan commended Chief Fong and thanked the Chief for her service to the city.

Commissioner Mazzucco commended and thanked Chief Fong for being a role model, for her kindness, hard work and diligence.

Commissioner Marshall commended and thanked Chief Fong.

Commissioner Lee commended Chief Fong for her integrity, kindness, and compassion.

Commissioner Sparks commended and thanked Chief Fong for her integrity and her sense of honor.

Commissioner Marshall presented Chief Fong with a Certificate of Honor on behalf of the Commission.

b. OCC Director's Report
- Review of Recent Activities

Director Hicks acknowledged and commended Chief Fong. Director Hicks went on with her report. She introduced the OCC's new trial attorney, Mr. Manny Fortes. Director Hicks also reported that the OCC opened 590 cases and closed 609. As of July 31st, the OCC sustained 31 cases with 382 cases pending; 32 from 2008, 350 from 2009. As far as mediation, the OCC mediated 6 cases in July with a total of 45 cases mediated to date.

Director Hicks also reported on attending five National Night Out events sponsored by Ingleside, Northern, Mission, Tenderloin, and Bayview Stations.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports
- Status Reports:
  - Rules and procedures for Patrol Specials
  - Commission Office staffing

Commissioner Marshall announced the Chief Gascón will start next week.

Commissioner Sparks announced that she might be accepting a position with the City of San Francisco and if that happens, next week will be her final Commission meeting and that she will resign from the Commission effective end of meeting next week.

PUBLIC COMMENT
None

DISCUSSION AND POSSIBLE ACTION TO ADOPT A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS FOR APPROVAL TO ACCEPT AND EXPEND FUNDS DONATED BY THE SUPPORTERS OF THE SAN FRANCISCO POLICE DEPARTMENT'S WILDERNESS ADVENTURE YOUTH PROGRAM IN THE AMOUNT OF $40,000.00 TO PURCHASE TWO NEW PASSENGER VANS TO USE ON YOUTH WILDERNESS TRIPS

Officer Mike Rivera presented the request for approval to accept funds from the Supporters of the San Francisco Police Department's Wilderness Adventure Youth Program.

PUBLIC COMMENT
None

Motion by Commissioner Mazzucco, second by Commissioner Lee. Approved 5-0.

RESOLUTION NO. 74-09

APPROVAL TO AUTHORIZE THE CHIEF OF POLICE TO ACCEPT AND EXPEND FUNDS DONATED BY THE SUPPORTERS OF THE SAN FRANCISCO POLICE DEPARTMENT'S WILDERNESS ADVENTURE YOUTH PROGRAM IN THE AMOUNT OF $40,000.00 TO PURCHASE TWO NEW PASSENGER VANS TO USE ON YOUTH WILDERNESS TRIPS

RESOLVED, that the Police Commission hereby approves to authorize the Chief of Police to accept and expend funds donated by the Supporters of the San Francisco Police Department's Wilderness Adventure Youth Program in the amount of $40,000.00 to purchase two new passenger vans to use on Youth Wilderness Trips.

AYES: Commissioners Marshall, Mazzucoo, Lee, Pan, Sparks
ABSENT: Commissioners DeJesus, Onek

DISCUSSION AND POSSIBLE ACTION TO APPROVE A RESOLUTION THAT THE COMMISSION WILL SET INITIAL STATUS CONFERENCES WITHIN 15 DAYS OF FILING FOR ALL NEWLY-FILED DISCIPLINARY CASES

Commissioner Mazzucco explained the purpose of this resolution.

Lieutenant Reilly announced that he just gave out a new draft of the resolution.

Commissioner Mazzucco suggested that this item be continued for one more week to give the Commission, the OCC, and the POA an opportunity to review the new draft.

PUBLIC COMMENT
None

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

b. Scheduling of items identified for consideration at future Commission meetings

Commissioner Marshall asked about upcoming district meetings. Lt. Reilly stated he will check on the status of the Chinatown venue.

PUBLIC COMMENT

None

ADJOURNMENT

Motion by Commissioner Marshall to adjourn the meeting in honor of Chief Heather J. Fong, second by Commissioner Pan. Approved 5-0.

Thereafter, the meeting was adjourned at 7:27 p.m.

_____

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, AUGUST 12, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

12/09
2

Roll Call; Pledge of Allegiance

1. **Public Comment**
(Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

2. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
        Status Reports:
        - Rules and procedures for Patrol Specials
        - Commission Office staffing

GOVERNMENT
DOCUMENTS DEPT

AUG 12 2009

SAN FRANCISCO
PUBLIC LIBRARY

3. Discussion and possible action to adopt revised Department General Order 10.01, "Uniform and Equipment Classes" (ACTION ITEM)

4. Discussion and possible action to approve a resolution that the Commission will set initial status conferences within 15 days of filing for all newly-filed disciplinary cases (ACTION ITEM)

5. Discussion and possible action to take off calendar indefinitely the disciplinary charges filed against Patrol Special Lisa M. Wiley (File No. KMO C06-041) who resigned her position as Patrol Special Officer. Said disciplinary charges will be placed back on calendar should said Patrol Special Officer be within the jurisdiction of the Police Commission in the future (ACTION ITEM)

6. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
      - Assignment of Disciplinary Charges filed against Patrol Special Alan Byard (Case No. KMO C09-157) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission meetings

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, AUGUST 12, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

7. Public Comment on all matters pertaining to Closed Session

8. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

9. Closed Session

   a. Pursuant to Government Code section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (DISCUSSION ONLY)
   CONFERENCE WITH LEGAL COUNSEL : Pending Litigation
   Fonseca v. Fong, California Court of Appeal Case No. A120206; San Francisco Superior Court Case No. 507-227

   b. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (DISCUSSION ONLY)
   CONFERENCE WITH LEGAL COUNSEL:
   Alemozaffar v. City and County of San Francisco, U.S. District Court No. C07-04494 JSW

(OPEN SESSION)
Roll Call.

10. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

11. **Approval of Consent Calendar** (ACTION ITEM)
    a. Recommend that the Board of Supervisors approve a proposed settlement in accordance with the advice of the City Attorney:
    Alemozaffar v. City and County of San Francisco, U.S. District Court No. C07-04494 JSW

12. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

AUGUST 12, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall, Mazzucco, Lee, Pan, Sparks
ABSENT: Commissioners DeJesus, Onek

(Commissioner Sparks arrived at 5:58 p.m. and was excused at 6:30 p.m.)

Commissioner Marshall welcomed Chief George Gascón to his first Commission meeting.

PUBLIC COMMENT

Espanola Jackson, Bayview Hunters Point, welcomed Chief Gascón to San Francisco.

Ace Washington addressed the Commission in regards to an incident that happened to him and discussed concerns regarding the action of the officer.

Rene Gonsalves, Executive Director Alpha & Omega Asthma Resource Center, welcomed Chief Gascón to San Francisco and to Bayview Hunters Point.

REPORTS TO THE COMMISSION

a. Chief's Report
- Update on significant policing efforts by Department members

Chief Gascón reported that he is just doing his rounds around the city and stated that he is very excited to be in San Francisco and is happy to move forward.

b. OCC Director's Report
- Review of recent activities

Director Hicks reported on two items. The first is cases received from January 1st to date is 624 cases, 625 closed and sustained 30 cases. She stated that there are 391 pending cases; 28 from 2008 and 363 from 2009. The second item is mediation. For the month of August, 2 cases mediated for a total of 47 cases mediated to date.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports
- Status Reports:
  - Rules and procedures for Patrol Specials
  - Commission Office staffing

None

PUBLIC COMMENT
None

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED DEPARTMENT GENERAL ORDER 10.01, "UNIFORM AND EQUIPMENT CLASSES"

Item will be put over for a later date.

PUBLIC COMMENT

GOVERNMENT DOCUMENTS DEPT
AUG 3 1 2009
SAN FRANCISCO PUBLIC LIBRARY

None

(The Commission took a brief recess at 5:58 p.m. and reconvened at 6:07 p.m.)

Item 2c recalled:

c. Commission Reports

Commissioner Sparks announced her resignation from the Commission effective immediately. Commissioner Sparks announced that she accepted a position with the City as Director of the Human Rights Commission. She also thanked the Commission and the Command Staff. She also welcomed Chief Gascón and wished him luck.

PUBLIC COMMENT

Lieutenant Lea Militello addressed the Commission and acknowledged and commended Commissioner Sparks for the work she's done for the transgender community and the Police Department.

Lieutenant Stephan Thorne addressed the Commission and thanked Commissioner Sparks for her work with the Department.

Commissioner Pan thanked Commissioner Sparks for the work that she has done in the city in making invisible communities visible, for making the city more inclusive, more compassionate and more fair.

Commissioner Mazzucco thanked Commissioner Sparks for setting the standards for the Commission and for making the Commission a unified body.

Commissioner Lee thanked Commissioner Sparks for defining what public service means in the city and for looking after the best interest of the men and women of the Department and the community.

Commissioner Marshall thanked Commissioner Sparks for the continuity she provided the Commission and for the great work she has done with the search for the new Chief.

Commissioner Marshall read and presented Commissioner Sparks with a Certificate of Merit and Appreciation for her work with the Commission.

Commissioner Sparks addressed the Commission and thanked Lt. Reilly and City Attorney Stump.

(Commissioner Sparks was excused at 6:30 p.m.)

DISCUSSION AND POSSIBLE ACTION TO APPROVE A RESOLUTION THAT THE COMMISSION WILL SET INITIAL STATUS CONFERENCES WITHIN 15 DAYS OF FILING FOR ALL NEWLY-FILED DISCIPLINARY CASES

Commissioner Mazzucco explained that this resolution is to speed up the process for discipline.

Motion by Commissioner Lee, second by Commissioner Mazzucco to approve the resolution as amended. Approved 4-0.

RESOLUTION NO. 75-09

RESOLUTION PROVIDING THE COMMISSIONERS ASSIGNED DISCIPLINARY CASES FOR THE TAKING OF EVIDENCE WILL CONVENE A CASE MANAGEMENT CONFERENCE WITHIN 15

BUSINESS DAYS TO SET A HEARING DATE AND A SCHEDULE FOR PRE-HEARING SUBMITTALS

RESOLVED, that upon receipt by the Commission Secretary of properly verified and properly served Disciplinary Charges filed against a department member or an appeal from suspension, the Commission President shall determine, in consultation with the Commission Secretary, which Commission member will be assigned to hear the case for the taking of evidence on a date to be determined by the Commissioner.

The Commissioner Secretary shall schedule, in consultation with the assigned Commission member, a case management conference to be held within 15 business days of the assignment to the Commissioner. Discovery shall commence promptly, beginning on the first business day following the assignment.

All parties to the case or their designated representative shall attend the case management conference. The parties shall submit any proposed stipulated settlement of the matter in sufficient time before the case management conference to allow meaningful discussion of the offer at the case management conference.

At the initial case management conference, the assigned Commissioner shall:

1) Set a hearing date thereafter for the taking of evidence
2) Set a date for the completion of discovery exchange
3) Establish a schedule for pre-hearing submittals including any pre-hearing motions and motions in limine
4) Discuss with the parties the option to have the matter heard by a Hearing Officer
5) Set date(s) for any subsequent case management conferences

When the Commission President has determined that a disciplinary matter will be heard by the full Commission, the individual Commissioner assigned to the case shall be responsible for administration of any pre-trial matters. A date for the taking of evidence by the full Commission shall be set in consultation with the Commission President.

If an individual Commission is not available to convene his or her initial case management conference within 15 business days of the assignment of a disciplinary case, an alternate member of the Commission shall be delegated to convene the initial conference after consultation with the assigned Commissioner.

The intent of the Commission in adopting this resolution is to manage its own disciplinary case docket. It is not intended to confer upon any employee any additional procedural rights beyond those existing in the Charter or State law.

AYES: Commissioners Marshall, Mazzucco, Lee, Pan
ABSENT: Commissioners DeJesus, Onek, Sparks

DISCUSSION AND POSSIBLE ACTION TO TAKE OFF CALENDAR INDEFINITELY THE DISCIPLINARY CHARGES FILED AGAINST PATROL SPECIAL LISA M. WILEY (FILE NO. KMO C06-041) WHO RESIGNED HER POSITION AS PATROL SPECIAL OFFICER. SAID DISCIPLINARY CHARGES WILL BE PLACED BACK ON CALENDAR SHOULD SAID PATROL SPECIAL OFFICER BE WITHIN THE JURISDICTION OF THE POLICE COMMISSION IN THE FUTURE

Motion by Commissioner Mazzucco, second by Commissioner Pan. Approved 4-0.

RESOLUTION NO. 76-09

APPROVAL TO TAKE OFF CALENDAR INDEFINITELY THE DISCIPLINARY CHARGES FILED AGAINST PATROL SPECIAL LISA M. WILEY (FILE NO. KMO C06-041) WHO RESIGNED FROM HER POSITION AS PATROL SPECIAL OFFICER. SAID DISCIPLINARY CHARGES WILL BE PLACED BACK ON CALENDAR SHOULD SAID PATROL SPECIAL OFFICER BE WITHIN THE JURISDICTION OF THE POLICE COMMISSION IN THE FUTURE

WHEREAS, on May 19, 2006, former Chief of Police Heather J. Fong made and served disciplinary charges against Patrol Special Officer Lisa M. Wiley, Star No. 2662, as follows:

SPECIFICATION NO. 1
Drug use by a Patrol Special is prohibited whether on or off duty (violation of Rule 5.10 of the Rules and Procedures of Patrol Special Officers and Assistant Patrol special Officers).

(1) At all times herein mentioned Lisa M. Wiley, Star Number 2662, (referred to as "the accused") was and is a Patrol Special Officer.

(2) Patrol Specials are defined as "A private patrol person, appointed by the Police Commission, who contracts to perform security duties of a private nature for private persons or businesses within the geographical boundaries set forth by the Police Commission. A Patrol Special is the owner of a beat. A Patrol Special is responsible for knowing and obeying the rules and procedures of the Patrol Special Officers and Assistant Patrol Special Officers.

(3) On May 1, 2006, the Department was notified that on April 30, 2006, the accused gave birth at a San Francisco hospital to a child that tested positive for cocaine.

(4) The Suspected Child Abuse Report states the accused "admitted using marijuana and cocaine for about 25 years." "The mother smokes a joint about once every three days." "She admitted to smoking marijuana laced with cocaine, twice during the pregnancy." "The mother is a police officer with SFPD for 15 years."

(5) On May 1, 2006, the accused was ordered to provide a urine sample for analysis. The sample was analyzed and revealed a positive, quantitative result of 990 NG/ML of cocaine metabolites. The lab reporting level is 60 NG/ML. The Department cut-off levels are 50 NG/ML.

(6) The accused engaged in conduct which violates the standards of the Department and is cause for discipline or dismissal from employment; such conduct violates Rule 5.10 of Patrol Special Officers and Assistant Patrol Special Officers, which states:

"ALCOHOL AND DRUGS
Patrol Specials and Assistant Patrol Specials shall not, while on duty or in uniform, drink or consume any kind of intoxicating liquor. Shall not, while on duty or off duty consume, possess or use any controlled substance without a valid prescription. Shall not, while on duty be under the influence of any prescription or non-prescription drug that impairs the person's ability to carry out their duties."

SPECIFICATION NO. 2
Failure to cooperate with the investigation is conduct which undermines the good

order, efficiency and discipline of the Department (violation of Rule 4.04 of Rules and Procedures of Patrol Special Officers and Assistant Patrol Special Officers).

(7) The allegations incorporated in Specification No. 1, paragraphs (1) through (6) are incorporated by reference as fully set forth herein.

(8) On May 5, 2006, the accused was ordered to participate in an interview at the Management Control Division. The interview was set for May 12, 2006. The accused cancelled the interview.

(9) On May 19, 2006, the accused refused to participate in any Management Control Division interview.

(10) By refusing to be interviewed, the accused has engaged in conduct which constitutes a violation of Rule 4.04 Rules and Procedures of Patrol Special Officers and Assistant Patrol Special Officers, which states:

"INVESTIGATIONS
Patrol Specials and Assistant Patrol Specials shall, when called upon by a police officer or by one specially assigned by lawful authority to conduct an investigation involving a police matter, truthfully answer all questions propounded. All reports, statements and declarations made orally or in writing in the foregoing matters shall contain the truth without evasion."

WHEREAS, Patrol Special Officer Lisa M. Wiley , Star No. 2662, has resigned as a Patrol Special Police Officer as of June 12, 2009; therefore be it

RESOLVED, that said charges of violating the Rules and Procedures of the San Francisco Police Department filed against Patrol Special Officer Lisa M. Wiley, Star No. 2662, be, and the same are hereby continued off calendar with the condition that said disciplinary charges be placed back on the Police Commission calendar should Patrol Special Officer Lisa M. Wiley be within the jurisdiction of the Police Commission in the future.

AYES: Commissioners Marshall, Mazzucco, Lee, Pan
ABSENT: Commissioners DeJesus, Onek, Sparks

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

- **Assignment of Disciplinary Charges filed against Patrol Special Alan Byard (Case No. KMO C09-157) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 77-09, Assigned to Commissioner Joe Marshall)

b. Scheduling of items identified for consideration at future Commission meetings

Commissioner Lee asked if the Chinatown meeting can be rescheduled since she will be out of town on the 28th of August. Lieutenant Reilly stated that he will check if it can be moved to the first Wednesday in September.

PUBLIC COMMENT

None

PUBLIC COMMENT ON ALL MATTER PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Pan, second by Commissioner Mazzucco. Approved 4-0.

CLOSED SESSION (7:07 p.m. to 7:27 p.m.)

a. **CONFERENCE WITH LEGAL COUNSEL: Pending Litigation Fonseca v. Fong, California Court of Appeal Case No. A120206; San Francisco Superior Court Case No. 507-227**

b. **CONFERENCE WITH LEGAL COUNSEL: Alemozaffar v. City and County of San Francisco, U.S. District Court No. C07-04494 JSW**

(Present: Commissioners Marshall, Mazzucco, Lee, Pan, City Attorney Stump, Lieutenant Reilly)

VOTE TO DISCLOSE WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Lee, second by Commissioner Pan for non disclosure. Approved 4-0.

APPROVAL OF CONSENT CALENDAR

a. **Recommend that the Board of Supervisors approve a proposed settlement in accordance with the advice of the City Attorney: Alemozaffar v. City and County of San Francisco, U.S. District Court No. C07-04494 JSW**

Motion by Commissioner Mazzucco, second by Commissioner Pan to approved Consent Calendar. Approved 4-0.

PUBLIC COMMENT

None

RESOLUTION NO. 78-09

ALEMOZAFFAR v. CITY AND COUNTY OF SAN FRANCISCO, et al.

RESOLVED, that the recommendation of the City Attorney for settlement in the litigation of "Alemozaffar v. City and County of San Francisco," in United States District Court No. C07-4494 JSW, be, and the same is hereby approved.

Date of Incident: December 17, 2006

AYES: Commissioners Marshall, Mazzucco, Lee, Pan
ABSENT: Commissioners DeJesus, Onek, Sparks

ADJOURNMENT

Motion by Commissioner Pan, second by Commissioner Mazzucco. Approved 4-0.

Thereafter, the meeting was adjourned at 7:30 p.m.

_____
Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, AUGUST 19, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. Adoption of the Minutes (ACTION ITEM)
   - Regular meetings of July 15th, 22nd, and August 5, 2009

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
        Status Reports:
        - Rules and procedures for Patrol Specials
        - Commission Office staffing

GOVERNMENT
DOCUMENTS DEPT

AUG 18 2009

SAN FRANCISCO
PUBLIC LIBRARY

4. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
   b. Scheduling of items identified for consideration at future Commission meetings

5. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting in the Central District, at the Gordon J. Lau School, 950 Clay Street, San Francisco, at 6:00 p.m., on Wednesday, September 2, 2009, to hear comments from the public and Central Station Captain James Dudley concerning public protections issues in the Central District.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

AUGUST 19, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:46 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall, DeJesus, Lee, Pan
ABSENT: Commissioners Mazzucco, Onek

ADOPTION OF MINUTES

- **Regular Meetings of July 15th, 22nd, and August 5, 2009**

Motion by Commissioner DeJesus, second by Commissioner Lee. Approved 4-0.

PUBLIC COMMENT

Barry Torranto thanked the Commission for picking Chief Gascón and also thanked Chief Fong for her service to the city.

19/09

REPORTS TO THE COMMISSION

a. Chief's Report

- **Update on significant policing efforts by Department members**

Chief Gascón stated that in two weeks there will be a report in regards to the Violence Reduction Plan. Chief Gascón also reported on a meeting with the Immigrant Rights Groups. The Chief also talked about the future of community policing and having a 90-day plan. He stated that there will be community forums and community advisory boards. The Chief also reported that the Board of Supervisors passed the first step in the process for the Police Department to hire outside help on the command level. The Chief also stated he's been meeting with a lot of people around the city to put together working groups to develop the reorganization of the Department. The goal is to have in 45 days the first draft of the reorganizational plan and hopes that in 90 days the Department will have the reorganization, the implementation of the community forums and advisory boards, and the new structural comstat will be in place by the beginning of October.

Commissioner DeJesus welcomed Chief Gascón and reported on the meeting with the Immigrant Rights Groups.

Commissioner Pan thanked the Chief, and Commissioners Marshall and DeJesus for participating in the meeting with the Immigrant Rights Groups.

Commissioner Lee asked about 411 texting in other languages. Chief Gascón stated that the whole area of increasing the Department's ability to communicate with the community it serves is to develop a strategic plan that has both short term, mid term, and long term goals and the Chief stated that he is very interested in pursuing that.

b. OCC Director's Report

- **Review of recent activities**

Director Hicks reported that from January 2009, the OCC opened 645 cases, closed 655, sustained 30 cases. She stated that the OCC has 20 cases pending from 2008 and 364 from 2009 for a total of 384 cases. Director Hicks also reported that in August the OCC mediated 4 cases for a total of 49 for the year. Director Hicks also reported on outreach.

GOVERNMENT
DOCUMENTS DEPT

SEP - 4 2009

SAN FRANCISCO
PUBLIC LIBRARY

c. Commission Reports
- **Commission President's Report**
- **Commissioners' Reports**

Status Reports:
- **Rules and procedures for Patrol Specials**
- **Commission Office staffing**

None

PUBLIC COMMENT
None

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

b. Scheduling of items identified for consideration at future Commission meetings

Lieutenant Reilly announced that the next community meeting will be on Wednesday, September 2 at the Gordon J. Lau School, 950 Clay Street, San Francisco, at 6:00 p.m.

Commissioner Pan suggested that there be simultaneous translation for the meeting.

Commissioner Marshall would like to agenda a closed session item next week in regards to pending disciplinary cases.

Commissioner Pan suggested having an agenda item in regards to language access for the meeting of September 2nd.

Commissioner DeJesus stated that she was not present when Commissioner Sparks resigned and stated that she learned a lot from Commissioner Sparks and wished her well in her future endeavors.

ADJOURNMENT

Motion by Commissioner Pan, second by Commissioner DeJesus. Approved 4-0.

Thereafter the meeting was adjourned at 6:14 p.m.

_____

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, AUGUST 26, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

5

6/09

Roll Call; Pledge of Allegiance

1. Adoption of the Minutes (ACTION ITEM)
   - Regular meetings of July 29th and August 12, 2009

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
        Status Reports:
        - Rules and procedures for Patrol Specials
        - Commission Office staffing

08-26-09A11:26 RCVD

GOVERNMENT
DOCUMENTS DEPT

AUG 26 2009

SAN FRANCISCO
PUBLIC LIBRARY

4. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
      - Assignment of Disciplinary Charges filed in Case No. IVF C09-143 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission meetings

5. Discussion and possible action to adopt a resolution urging the Board of Supervisors and the Mayor to enact an ordinance authorizing the Chief of Police to select for appointment to the Command Staff any sworn law enforcement officer with supervisory experience over other sworn law enforcement officers (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, AUGUST 26, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

6. Public Comment on all matters pertaining to Closed Session.

7. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

8. Closed Session
   a. Pursuant to Government Code section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary matters (DISCUSSION ONLY)

9. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. **Adjournment** (ACTION ITEM)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting in the Central District, at the Gordon J. Lau School, 950 Clay Street, San Francisco, at 6:00 p.m., on Wednesday, September 2, 2009, to hear comments from the public and Central Station Captain James Dudley concerning public protections issues in the Central District.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

AUGUST 26, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 416, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:55 p.m., in a Regular Meeting

PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Pan
ABSENT: Commissioners Lee, Onek

ADOPTION OF THE MINUTES

- **Regular Meetings of July 29th and August 12, 2009**

Motion by Commissioner Mazzucco, second by Commissioner Pan. Approved 4-0.

PUBLIC COMMENT

David Villalobos discussed concerns regarding officers using their badge to influence political elections and candidacies.

Ernestine Weiss asked for foot patrol in the Central Station area specifically in the waterfront area and the Ferry Plaza.

Barry Tarranto discussed concerns regarding illegal limousines at the Airport, hotels, and nightclubs.

REPORTS TO THE COMMISSION

a. Chief's Report

- **Update on significant policing efforts by Department members**

Chief Gascón reported on the reorganization process and announced that the Department will have its first public Compstat meeting in early October. Chief Gascón also talked about meeting with other city agencies to talk about the problems in the Tenderloin area. Chief Gascón also stated that he met with the Editorial Board of the Chronicle to discuss the Department's reorganization and some of the things that the Department wants to do in crime fighting, compstat, and discipline. The Chief also stated that he met with POA President Gary Delagnes in order to develop more understanding in the area of discipline.

Commissioner Pan asked what is the appropriate procedure for community groups and the media requesting to meet with the Chief. Chief Gascón stated that the appropriate way is to simply call his office.

b. OCC Director's Report

- **Review of recent activities**

Director Hicks reported on cases received and closed by the OCC and cases mediated. For the year 2009, OCC opened 670 cases, closed 678; sustained 33 cases. The OCC has 19 pending cases from 2008 and 367 from 2009 for a total of 386 pending cases. The OCC also mediated 18 cases this month for a total of 53 cases mediated to date.

c. Commission Reports

- **Commission President's Report**
- **Commissioners' Reports**

Status Reports:

- **Rules and procedures for Patrol Specials**
- **Commission Office staffing**

None

PUBLIC COMMENT

GOVERNMENT DOCUMENTS DEPT
SEP 22 2009
SAN FRANCISCO PUBLIC LIBRARY

None

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

- **Assignment of Disciplinary Charges filed in Case No. IVF C09-143 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 79-09, Assigned to Commissioner Yvonne Y. Lee)

b. Scheduling of items identified for consideration at future Commission meetings

Lieutenant Reilly announced that next week the meeting will be in the Central District, Gordon J. Lau Elementary School, 950 Clay Street, at 6:00 p.m.

Commissioner Marshall announced that one or two meetings a month will be dedicated to hearing disciplinary cases.

The Commission then went over their priority list. One of the main concern is the issuance of unit orders and department bulletins that are exceptions to the general order. Chief Gascón will look at this issue and will make a presentation to the Commission. Another priority is DGO 8.08, Media Relations.

Commissioner Pan would like a presentation in regards to language access for next week's meeting.

PUBLIC COMMENT

Paulette Brown discussed the murder the of her son and asked for help in getting those responsible in jail. Chief Gascón asked that she provide her information to Lt. Shawyer and he will look at her case.

David Villalobos commended the Commission for bringing transparency to disciplines.

DISCUSSION AND POSSIBLE ACTION TO ADOPT A RESOLUTION URGING THE BOARD OF SUPERVISORS AND THE MAYOR TO ENACT AN ORDINANCE AUTHORIZING THE CHIEF OF POLICE TO SELECT FOR APPOINTMENT TO THE COMMAND STAFF ANY SWORN LAW ENFORCEMENT OFFICER WITH SUPERVISORY EXPERIENCE OVER OTHER SWORN LAW ENFORCEMENT OFFICERS

Chief Gascón explained that he's trying to reach a compromise with the various police employee groups and in order to do so he has agreed to limit the number of people that will be brought in from the outside to one individual and also to put a five-year sunset clause to the ordinance.

Lieutenant Reilly read the resolution into the record.

Motion by Commissioner DeJesus, second by Commissioner Mazzucco. Approved 4-0.

PUBLIC COMMENT

Barbara Growth stated that SFPD officers are well qualified for administration.

RESOLUTION NO. 80-09

URGING THE BOARD OF SUPERVISORS AND THE MAYOR TO

ENACT AN ORDINANCE AUTHORIZING THE CHIEF OF POLICE TO APPOINT TO THE COMMAND STAFF QUALIFIED SWORN LAW ENFORCEMENT OFFICERS FROM OUTSIDE THE POLICE DEPARTMENT, SUBJECT TO APPROPRIATE LIMITATIONS

WHEREAS, the Police Commission recognizes and honors the many talented and dedicated career officers in the Police Department who daily serve the residents of San Francisco; and

WHEREAS, the Police Commission supports promotional practices that place a high value on service in San Francisco and provide appropriate advancement opportunities for qualified and talented career officers in the Department; and

WHEREAS, the Department encourages lateral hiring in order to attract the most qualified professional law enforcement officers from other local, state and federal agencies; and

WHEREAS, the San Francisco Administrative Code currently provides that appointment to the Command Staff may be made only from incumbents within the Department at the rank of Lieutenant or above; and

WHEREAS, qualified and talented candidates for certain Command Staff positions may be found among sworn law enforcement officers with supervisory experience who serve not only in the Department but also in other local, state or federal agencies that employ law enforcement officers; and

WHEREAS, the Police Commission supports extending the lateral hiring program to the Command Staff level with appropriate limitations; therefore

LET IT BE RESOLVED, that the Police Commission urges the Board of Supervisors and the Mayor to enact an ordinance authorizing the Chief of Police to appoint to the Command Staff qualified sworn law enforcement officers from outside the Department, subject to appropriate limitations to be enumerated in the ordinance.

AYES: Commissioners Marshall, Mazzucco, DeJesus, Pan
ABSENT: Commissioners Lee, Onek

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Pan. Approved 4-0.

CLOSED SESSION (6:48 p.m. to 7:35 p.m.)

a. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary matters**

(PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Pan, Lieutenant Reilly)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner DeJesus for non disclosure. Approved 4-0.

ADJOURNMENT

Motion by Commissioner Pan, second by Commissioner Mazzucco to adjourned in honor of Senator Ted Kennedy. Approved 4-0.

Thereafter, the meeting was adjourned in honor of Senator Ted Kennedy at 7:37 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, SEPTEMBER 2, 2009
6:00 p.m.

Central District
Gordon J. Lau Elementary School
950 Clay Street
San Francisco

Pledge of Allegiance; Roll Call

1. **Adoption of Minutes** (ACTION ITEM)
   - Regular Meeting of August 19, 2009

2 **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports

3. Presentation regarding the Department's Language Access Services for Limited English Proficient (LEP) Persons (DISCUSSION ONLY)

4. Captain James Dudley, Commanding Officer of Central Station, to address the Commission on Police Activities in the Central District (DISCUSSION ONLY)

5. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

6. **Routine Administrative Business** (Discussion Only)
   a. Commission Announcements
   b. Items identified for consideration at future Commission Meetings

09-01-09A10:59

GOVERNMENT
DOCUMENTS DEPT

SEP - 1 2009

SAN FRANCISCO
PUBLIC LIBRARY

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, SEPTEMBER 2, 2009
6:00 p.m.

Central District
Gordon J. Lau Elementary School
950 Clay Street
San Francisco

7. Public Comment on all matters pertaining to Closed Session

8. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

9. Closed Session
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
      PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
      Review of findings and decision to return officer to duty following officer involved shooting (OIS Case No. 09-003)
   b. Pursuant to Government Code section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
      PERSONNEL EXCEPTION: Approval of the Awards Committee Recommendation (ACTION ITEM)

(OPEN SESSION)
Roll Call.

10. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

11. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held in the **Central District, Gordon J. Lau Elementary School, 950 Clay Street, San Francisco**. For information about MUNI service, please call 311.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

SEPTEMBER 2, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Central District, Gordon J. Lau Elementary School, 950 Clay Street, San Francisco, at 6:25 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan

Commissioner Marshall addressed the audience and apologized for the absence of Chief Gascón due to an emergency meeting in Washington D.C.

Commissioner Marshall then asked the Commissioners to introduce themselves. The Commissioners then introduced themselves.

ADOPTION OF MINUTES

- **Regular Meeting of August 19, 2009**

Motion by Commissioner Onek, second by Commissioner Mazzucco. Approved 6-0.

REPORTS TO THE COMMISSION

a. Chief's Report

- **Update on significant policing efforts by Department members**

Assistant Chief Lynch, on behalf of Chief Gascón, welcomed the audience and thanked Captain Dudley and the officers of Central for hosting the meeting.

Deputy Chief Cashman talked about a press conference in regards to the 21-day enforcement, buy-bust operation in the Tenderloin District.

b. OCC Director's Report

- **Review of recent activities**

Director Hicks addressed the audience and introduced members of her staff. Present were Ms. Inez Vargas Fraenkel, Ms. Elise Nicholson, and Mr. Denis Maxon, Sr. Investigator. Director Hicks went on to describe the duties and responsibilities of the Office of Citizen Complaints.

c. Commission Reports

- Commission President's Report
- Commissioners' Reports

None.

PUBLIC COMMENT

Unidentified discussed concerns regarding OCC complaints against officer.

Mike Petralis discussed concerns regarding he emails with the Chief in regards to the Public Information Office and his application for a press pass as a blogger.

Eddie Tsang expressed disappointment with the absence of the Chief and discussed concerns regarding harassment by police and the fear of the community of retaliation if they file a complaint.

Commissioner DeJesus stated that complaints filed with the OCC can be made anonymously.

PRESENTATION REGARDING THE DEPARTMENT'S LANGUAGE ACCESS SERVICES FOR LIMITED ENGLISH PROFICIENT (LEP) PERSONS

GOVERNMENT DOCUMENTS DEPT

OCT - 9 2009

SAN FRANCISCO PUBLIC LIBRARY

Officer Lisa Torres presented the Department's language access services for limited English proficient persons.

Ms. Elise Nicholson, OCC, addressed the Commission and the audience in regards to language access and the department general order.

Commissioner Lee translated the presentation in Chinese.

Commissioner Pan thanked the Department, the OCC, and the community for working on the Language Access Services and talked about the importance of the ability to communicate.

Commissioner DeJesus also stressed the importance of having a timely translator available.

Commissioner Lee suggested working with community-based organizations for help with language access.

PUBLIC COMMENT

Tan Chow discussed concerns regarding shooting incident outside his home and concerns of not seeing officers in public housing developments.

Mr. Lei, Commuters Association, discussed concerns regarding the community not being able to communicate with the police and suggested a Chinese-speaking officer attend their monthly community meeting and asked for more foot patrol beat officers and expressed disappointment for the absence of the Chief.

Dorena McCloud, Cameron House Director, hopes the Department is doing monitoring on how successful this program is.

Nancy discussed concerns regarding filing of reports and suggested that there be a monthly meeting just for report writing.

Mr. Chan, housing development, asked for dedicated officers to patrol the housing development and asked for bilingual officers.

Unidentified, Sunnydale Public Housing, discussed concerns regarding shootings, robbery, drug selling, and vehicle arson and stated that when she called the police, there were no translation service available. She also discussed concerns regarding asking an officer for help but was not able to communicate with the officer.

Howard Woo discussed concerns regarding waiting for translators and discussed concerns regarding purse snatching on Muni.

Captain Dudley introduced Officers Sam Yuen and Minh Du who are Mandarin-speaking officers and are available for anyone who has questions.

Ernestine White suggested forming a group with an English-speaking representative to go with them to the station and help with translation.

Angela Chan discussed some of the concerns in regards to language access.

David Chan, SF Safe, suggested speaking their own language when called 911 so that they can have the help needed.

David Ho suggested having a language access task force to be deployed on a citywide basis.

CAPTAIN JAMES DUDLEY, COMMANDING OFFICER OF CENTRAL STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE CENTRAL DISTRICT

Captain Dudley addressed the Commission and the community in regards to activities in the Central and described the district's demographics.

PUBLIC COMMENT

Ernestine White discussed concerns regarding quality of life issues in

the Financial District area.

David Beauregard discussed concerns regarding over saturation of entertainment permits and legislation Nos. 808323 and 808324 being proposed before the Board of Supervisors.

Robert Garcia, Save our Streets Tenants and Merchants Association, commended Captain Dudley and officers of Central. He further discussed concerns in regards to over saturation of entertainment permits in the lower Nob Hill area.

Tom Ferrioli, Nob Hill resident, discussed concerns regarding noise laws and legislation proposed before the Board of Supervisors.

Henry Pan, student Galileo Academy, asked about curving graffiti around Chinatown alleyways. Captain Dudley stated that it can be reported through 311 and DPW work order.

Cindy Brandon, Executive Director SAFE, commended Captain Dudley and officers of Central for their community policing efforts.

Tammy Hong, China Community Center, thanked Captain Dudley for setting up a community reporting day.

Frank Terry, Montgomery & Green resident, expressed disappointment with the absence of the Chief and asked about another meeting with the Chief before the next Board meeting to discussed the entertainment legislation.

Commissioner DeJesus would like to meet with Deputy Chief Cashman in regards to the legislation as far as what impact it would have on the Department's budget. Commissioner DeJesus also suggested a joint meeting with the Entertainment Commission.

Commissioner Pan asked about cell phones and emails for liaison officers. Captain Dudley stated that in his newsletter, he has a list of officers with phone numbers and some email addresses. He stated he gets emails from the community and he's constantly replying and rerouting emails.

Trevor Johnson, taxicab driver, discussed concerns regarding illegal soliciting by limousines without insurance and permits.

Ernestine Weiss discussed concerns regarding bicycle safety.

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

b. Items identified for consideration at future Commission Meetings

Lieutenant Reilly announced that there will be no meeting next week.

Commissioner DeJesus would like to discuss legislation discussed earlier and how it impacts the Department.

PUBLIC COMMENT

None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 6-0.

CLOSED SESSION (9:25 p.m. to 9:59 p.m.)

a. PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police: Review of findings and decision to return officer to duty following officer involved shooting (OIS Case No. 09-003)

PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan,

Assistant Chief Lynch, Lieutenant Reilly, Sergeant Nevin

b. **PERSONNEL EXCEPTION: Approval of the Awards Committee Recommendation** (Resolution 81-09)

PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan, Assistant Chief Lynch, Lieutenant Reilly

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Pan for non disclosure. Approved 6-0.

PUBLIC COMMENT
None

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 6-0.

Thereafter, the meeting was adjourned at 10:00 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

CITY HALL
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

5
1
9/09
ancelled

The Commission will not meet on Wednesday, SEPTEMBER 9, 2009.

Please join the Commission at its next meeting on Wednesday, September 16, 2009, at 5:30 p.m., in Room 400, at City Hall.

09-04-09A11:22 RC

GOVERNMENT
DOCUMENTS DEPT

SEP - 4 2009

SAN FRANCISCO
PUBLIC LIBRARY

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, SEPTEMBER 16, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

Roll Call; Pledge of Allegiance

1. Adoption of the Minutes (ACTION ITEM)
   - Regular meeting of August 26, 2009

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
      - Presentation of the Department's 2nd Quarter 2009 Document Protocol Report
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
        Status Reports:
        - Rules and procedures for Patrol Specials
        - Commission Office staffing

09-15-09A1

GOVERNMENT
DOCUMENTS DEPT

SEP 15 2009

SAN FRANCISCO
PUBLIC LIBRARY

4. Discussion and possible action to adopt a resolution requesting the Board of Supervisor's approval to accept and expend funds from the California Emergency Management Agency and the Federal Emergency Management Agency (FEMA) to implement the "San Francisco Police Department Emergency Operation Center" (ACTION ITEM)

5. Discussion and possible action to adopt a resolution requesting the Board of Supervisor's approval to accept and expend funds from the Department of Justice's COPS Office to implement the "COPS Hiring Recovery Program (CHRP)" (ACTION ITEM)

6. Discussion and possible action to adopt a resolution requesting the Board of Supervisor's approval to accept and expend funds from the Governor's Office of Emergency Services (OES) to implement the "California Multi-Jurisdictional Methamphetamine Enforcement Team (Cal-MMET)" (ACTION ITEM)

7. Discussion and possible action to take off calendar indefinitely the disciplinary charges filed in Case Nos. JWA C03-241, JWA C04-032, JWA C04-096, JCT C06-142, ALW C08-090. Member involved retired from the Department, effective August 1, 2009. Said disciplinary charges will be placed back on calendar should said member be within the jurisdiction of the Police Commission in the future (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, SEPTEMBER 16, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

8. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
      - Assignment of Disciplinary Charges filed in Case No. ALW C09-189 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
      - Assignment of Disciplinary Charges filed in Case No. JWA C09-191 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
      - Assignment of an Appeal of the Chief's Suspension filed in Case No. A 204-07 to an individual Commission for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission meetings

9. Public Comment on all matters pertaining to Closed Session.

10. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

11. Closed Session
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
      Discussion and possible action to sustain or not sustain the disciplinary charges filed in case no. RMW C08-030 (ACTION ITEM)
   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
      PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
      Review of findings and decision to return officer to duty following an officer involved shooting (OIS Case No. 09-004)

12. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

13. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting in the Southern District, Treasure Island, Casa de la Vista, Building 271, 191 Avenue of the Palms, San Francisco, at 6:00 p.m., on Wednesday, September 30, 2009, to hear comments from the public and Southern Station Captain Daniel McDonagh concerning public protections issues in the Southern District.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held in the **Central District, Gordon J. Lau Elementary School, 950 Clay Street, San Francisco**. For information about MUNI service, please call 311.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

SEPTEMBER 16, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:38 p.m., in a Regular Meeting.

PRESENT: Commissioner Marshall, Mazzucco, DeJesus, Lee, Onek, Pan

Commissioner Marshall welcomed Ms. Linda Ross, Deputy City Attorney.

ADOPTION OF THE MINUTES

- **Regular Meeting of August 26, 2009**

Motion by Commissioner Mazzucco, second by Commissioner Pan. Approved 6-0.

PUBLIC COMMENT

Nana Koslova, Deluxe Sightseeing Tour Co., commended Officer Carl Payne.

Vaugh Foster discussed concerns regarding a complaint against an officer.

6/09

REPORTS TO THE COMMISSION

a. **Chief's Report**

- **Update on significant policing efforts by Department members**
- **Presentation of the Department's 2nd Quarter 2009 Document Protocol Report**

Chief Gascón reported on the reorganization process and stated the around the second week of October, the Department will have a draft of the reorganization to be presented to the Commission. Chief Gascón also stated that he is also looking at a number of candidates for promotions and looking at where these individuals can be placed.

The Chief reported on Compstat and stated that the Department is getting ready for its first Compstat public meeting around the middle of October.

Vehicle Tow Protocol: The Chief stated that the protocol is almost finalized and that the Department is putting together training and will also include pamphlets printed in five languages to be given to the public. Implementation by the first week of November.

RMS System: The Chief stated that the arrest module of the RMS System is in operation in one station and is moving forward to put the incident report module in operation which will drive the automated Compstat.

Discipline: Chief Gascón stated that by next week's Commission meeting to have a closed session to discuss two sets of recommendations. One will include disciplinary cases that can be settled fairly quickly and the second involving cases that would require the Commission's attention and may included termination.

Commissioner Onek asked about Compstat and asked if the Commission can be briefed in regards to what the plan is and what the process is in regards to Compstat. Chief Gascón stated that a presentation can be done.

Commissioner DeJesus would like to see a copy of the brochures in regards to the Towing protocol. Chief Gascón stated the brochures should be

GOVERNMENT DOCUMENTS DEPT

NOV - 2 2009

SAN FRANCISCO PUBLIC LIBRARY

ready in early October and can be made available to the Commission at that time.

Commissioner Lee asked about Department Bulletin in regards to suspected elder abuse and that the department only investigates physical abuse. Commissioner Lee asked why financial abuse is not included. Assistant Chief Lynch explained that the Domestic Violence Unit deals with the physical abuse and the Fraud Unit deals with the financial abuse. Chief Gascón suggested having presentation in regards to this issue in a couple of weeks.

Lieutenant Daniel Mahoney, Legal, presented the Department's 2nd quarter 2009 Document Protocol Report.

b. OCC Director's Report
- Review of recent activities

Director Hicks reintroduced Ms. Samara Marion who is back from a one-year leave of absence.

Director Hicks reported that to date the OCC opened 723 cases and closed 744; sustained 35 cases. The OCC has 15 pending cases from 2008 and 358 pending cases for 2009 for a total of 373 cases. The OCC has resolved 99 percent of its 2008 cases. Director Hicks also reported on mediation. The OCC mediated four cases this month and 57 cases year to date.

Commissioner Onek acknowledged and commended Ms. Elise Nicholson for her work with the OCC and the Department.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports
Status Reports:
- Rules and procedures for Patrol Specials
- Commission Office staffing

Commissioner Marshall talked about staffing for the Commission Office. Lieutenant Reilly stated that what is remaining in the budget is an administrative analyst. Commissioner Marshall stated that he will speak with Chief Gascón to see what can be done about the Commission office staffing.

Commissioner DeJesus thanked Captain Dudley and his officer especially Sergeants Anzore, Rosko, and Officer Alvarez for their help and assistance during their ride-along at Central and the Broadway corridor. Commissioner DeJesus talked about the nightclub issues and incidents that happens after the nightclubs let out.

Commissioner Mazzucco explained that the Commission is reviewing new policies and procedures for hearings involving disciplinary matters. The Commission is trying to streamline the process. Commissioner Mazzucco commended Chief Gascón for his work in moving the cases forward.

Commissioner Mazzucco talked about the Police and Fire Mass and issued a challenge to SFPD to attend the mass next year because there were more SFFD members present than SFPD.

Commissioner Mazzucco asked Commander Tong to update the Commission and Chief Gascón as to the rules and procedures for Patrol Specials. Commander Tong updated the Commission in regards to the Patrol Special study. Commander Tong stated that the Controller's Office should have a draft of the study by December and have a final report before the Commission by early next year. Commander Tong talked about a 24-hour

training mandated for Patrol Specials and that 12 hours have been completed. Commander Tong also stated that there is no outstanding background applications at this time.

PUBLIC COMMENT

Barbara Growth discussed concerns about community policing. Unidentified sang a song for Chief Gascón.

DISCUSSION AND POSSIBLE ACTION TO ADOPT A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS' APPROVAL TO ACCEPT AND EXPEND FUNDS FROM THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) TO IMPLEMENT THE "SAN FRANCISCO POLICE DEPARTMENT EMERGENCY OPERATION CENTER"

Director Bukowski presented the grant to implement the "San Francisco Police Department Emergency Operation Center."

Motion by Commissioner Pan, second by Commissioner Onek. Approved 6-0.

PUBLIC COMMENT
None

RESOLUTION NO. 82-09

APPROVAL TO AUTHORIZE THE CHIEF OF POLICE TO ACCEPT AND EXPEND FUNDS FROM THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) TO IMPLEMENT THE "SAN FRANCISCO POLICE DEPARTMENT EMERGENCY OPERATION CENTER"

RESOLVED, that the Police Commission hereby approves to authorize the Chief of Police to accept and expend funds from the California Emergency Management Agency and the Federal Emergency Management Agency (FEMA) to implement the "San Francisco Police Department Emergency Operation Center" and any augmentations, extensions and modifications.

AYES: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan

DISCUSSION AND POSSIBLE ACTION TO ADOPT A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS' APPROVAL TO ACCEPT AND EXPEND FUNDS FROM THE DEPARTMENT OF JUSTICE'S COPS OFFICE TO IMPLEMENT THE "COPS HIRING RECOVERY PROGRAM (CHRP)"

Director Bukowski presented the "Cops Hiring Recovery Program (CHRP)" grant.

Commissioner Onek acknowledged the Obama administration for this grant.

Motion by Commissioner Pan, second by Commissioner Onek. Approved 6-0.

PUBLIC COMMENT
None

RESOLUTION NO. 83-09

APPROVAL TO AUTHORIZE THE CHIEF OF POLICE TO ACCEPT AND EXPEND FUNDS FROM THE DEPARTMENT OF JUSTICE'S COPS OFFICE TO IMPLEMENT THE COPS HIRING RECOVERY PROGRAM (CHRP)"

RESOLVED, that the Police Commission hereby approves to authorize the Chief of Police to accept and expend funds from the Department of Justice's COPS Office to implement the "COPS Hiring Recovery Program (CHRP)" and any augmentations, extensions and modifications.

AYES: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan

DISCUSSION AND POSSIBLE ACTION TO ADOPT A RESOLUTION REQUESTING THE BOARD OF SUPERVISOR'S APPROVAL TO ACCEPT AND EXPEND FUNDS FORM THE GOVERNOR'S OFFICE OF EMERGENCY SERVICES (OES) TO IMPLEMENT THE "CALIFORNIA MULTI-JURISDICTIONAL METHAMPHETAMINE ENFORCEMENT TEAM (Cal-MMET)"

Director Bukowski presented the "California Multi-Jurisdiction Methamphetamine Enforcement Team (Cal-MMET) grant.

Motion by Commissioner Mazzucco, second by Commissioner Pan. Approved 6-0.

PUBLIC COMMENT
None

RESOLUTION NO. 84-09

APPROVAL TO AUTHORIZE THE CHIEF OF POLICE TO ACCEPT AND EXPEND FUNDS FROM THE GOVERNOR'S OFFICE OF EMERGENCY SERVICES (OES)TO IMPLEMENT THE "CALIFORNIA MULTI-JURISDICTIONAL METHAMPHETAMINE ENFORCEMENT TEAM (Cal-MMET)"

RESOLVED, that the Police Commission hereby approves to authorize the Chief of Police to accept and expend funds from the Governor's Office of Emergency Services (OES) to implement the "California Multi-Jurisdictional Methamphetamine Enforcement Team (Cal-MMET)" and any augmentations, extensions and modifications.

AYES: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan

DISCUSSION AND POSSIBLE ACTION TO TAKE OFF CALENDAR INDEFINITELY THE DISCIPLINARY CHARGES FILED IN CASE NOS. JWA C03-241, JWA C04-032, JWA C04-096, JCT C06-142, ALW C08-090. MEMBER INVOLVED RETIRED FROM THE DEPARTMENT, EFFECTIVE AUGUST 1, 2009. SAID DISCIPLINARY CHARGES WILL BE PLACED BACK ON CALENDAR SHOULD SAID MEMBER BE WITHIN THE JURISDICTION OF THE POLICE COMMISSION IN THE FUTURE
(Resolution No. 85-09)

Motion by Commissioner DeJesus, second by Commissioner Mazzucco. Approved 6-0.

ROUTINE ADMINISTRATIVE BUSINESS

a. **Commission Announcements**

- **Assignment of Disciplinary Charges filed in Case No. ALW C09-190 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Assigned to Commissioner David Onek, Resolution No. 86-09)
- **Assignment of Disciplinary Charges filed in Case No. ALW C09-191 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Assigned to Commissioner Vincent Pan, Resolution No. 87-09)
- **Assignment of an Appeal of the Chief's Suspension filed in Case No. A 204-07 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Assigned to Commissioner Thomas Mazzucco, Resolution No. 88-09)

b. **Scheduling of items identified for consideration at future Commission meetings**

Commissioner DeJesus would like a presentation in regards to the volunteer program and how it works and how to become a volunteer in the SFPD. Commissioner DeJesus also talked about The Guardians in regards to a police museum and suggested a Commission resolution supporting this.

PUBLIC COMMENT

None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

Unidentified discussed concerns regarding recommendation of a medal citation for the officer involved in the shooting and stated that it is too soon.

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Onek, second by Commissioner Mazzucco. Approved 6-0.

CLOSED SESSION (7:00 p.m. to 8:12 p.m.)

a. **Discussion and possible action to sustain or not sustain the disciplinary charges filed in case no. RMW C08-030**
Item put over for a later date.

b. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police: Review of findings and decision to return officer to duty following an officer involved shooting (OIS Case No. 09-004)**

(PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan, Chief Gascón, City Attorney Ross, Inspector Nevin/MCD, Assistant Chief Lynch, Lieutenant Reilly)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek for non disclosure. Approved 6-0.

ADJOURNMENT

Motion by Commissioner Onek, second by Commissioner Pan. Approved 6-0.

Thereafter, the meeting was adjourned at 8:24 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THERESA SPARKS
President

DR. JOE MARSHALL
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

THOMAS P. MAZZUCCO
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, SEPTEMBER 23, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Public Comment**
(Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

2. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
      - Presentation regarding the Department's implementation of Compstat
      - Presentation regarding the Police Activities League ("PAL")
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
      Status Reports:
      - Rules and procedures for Patrol Specials
      - Commission Office staffing

09-22-0 06

GOVERNMENT
DOCUMENTS DEPT

SEP 22 2009

SAN FRANCISCO
PUBLIC LIBRARY

3. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
   b. Scheduling of items identified for consideration at future Commission meetings

4. Public Comment on all matters pertaining to Closed Session.

5. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

6. Closed Session

   a. Pursuant to Government Code section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (DISCUSSION ONLY)
   CONFERENCE WITH LEGAL COUNSEL : Pending Litigation
   Fonseca v. Fong, California Court of Appeal Case No. A120206; San Francisco Superior Court Case No. 507-227

(OPEN SESSION)
Roll Call.

7. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

8. **Adjournment** (ACTION ITEM)

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting in the Southern District, Treasure Island, Casa de la Vista, Building 271, 191 Avenue of the Palms, San Francisco, at 6:00 p.m., on Wednesday, September 30, 2009, to hear comments from the public and Southern Station Captain Daniel McDonagh concerning public protections issues in the Southern District.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

SEPTEMBER 23, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall, Mazzucco, Onek, Pan
ABSENT: Commissioners DeJesus, Lee

PUBLIC COMMENT

Unidentified, African-American Action Network, commended the Department for its website and discussed cultural sensitivity.

Jennifer Bach discussed concerns in regards to the murder of her father and discussed concerns regarding the lack of active homicide investigation in the murder of her father.

REPORTS TO THE COMMISSION

a. Chief's Report

- **Update on significant policing efforts by Department members**
- **Presentation regarding the Department's implementation of Compstat**

Chief Gascón introduced Detective Jeff Godown, LAPD, who presented the Department's implementation of Compstat.

Commissioner Onek asked how can Compstat be started in San Francisco. Chief Gascón explained that he met with New World Record Management System and that he got a commitment from New World that the arrest module should be completed, up and running by the end of October and the report entry system by November and hopefully by the end of the year, the two modules will be up and running and fully operational.

Chief Gascón stated that October 21st will be the first Comstat meeting and will be open to the public and, thereafter, every other Wednesdays from 10 a.m. to about 2 p.m.

Commissioner Mazzucco asked what would be presented at the first Compstat meeting. Detective Godown explained that the commanding officers of the first five areas will into a compstat inspection. Crime and arrest data will be looked at. Crime at certain periods will be looked at i.e. year-to-date crime and seasonal crime. A profile will be developed which basically is like the report cards for the commanding officers and this profile is basically what the commanding officers have done as far as crime and arrests for their area but for specific time periods so that data can be measured equally as far as progress or lack thereof. Arrest data, overtime, risk management issues, personnel complaint issues will be looked at and the bottom line is is crime up or down. If crime is down, what is being done to deter the crime, and if crime is up, what plan of attack to suppress that crime.

PUBLIC COMMENT

Unidentified discussed concerns of officers not putting enough data in reports.

Chief Gascón explained that no one will get in trouble if the crime is going up. However, they will get in trouble if crime is going up and they are not doing anything about it. Officers have the obligation to take every crime reported.

Detective Godown explained that Compstat as an audit process, he will be able to tell if crime is not being reported.

GOVERNMENT DOCUMENTS DEPT

DEC - 9 2009

SAN FRANCISCO PUBLIC LIBRARY

Deputy Chief Cashman introduced Lt. Spillane of the Homicide Detail who talked about three homicide incidents that occurred in the Mission District that were gang related.

Deputy Chief Cashman explained what police response plan was and held several community meetings to reach out to the community.

Commissioner Onek commended the men and women of the Department and of the community for their help in trying to stop the violence.

- **Presentation regarding the Police Activities League ("PAL")**

Officer Matthew Balzerini presented the PAL Cadet program report.

b. OCC DIRECTOR'S REPORT
- **Review of recent activities**

Director Hicks reported on two items. First, the OCC opened 750 cases and closed 761, sustained 35 cases; there are 11 pending cases from 2008, and 372 from 2009. The OCC mediated 58 cases year to date.

Director Hicks also stated that she will be part of a panel at the NACOLE conference that will address mediation.

c. Commission Reports
- **Commission President's Report**
- **Commissioners' Reports**

Status Reports:
- **Rules and procedures for Patrol Specials**
- **Commission Office Staffing**

Commissioner Marshall stated that he is talking to the Chief in regards to Commission staffing.

PUBLIC COMMENT
None

ROUTINE ADMINISTRATIVE BUSINESS
a. Commission Announcements

Lieutenant Reilly announced that the Commission will meet in the Souther District at the Treasure Island, Casa de la Vista, Building 271, 191 Avenue of the Palms, on September 30th. He also announced that the Medal of Valor Ceremony will be held in the Mission Bay Conference Center at UCSF, 1675 Owens Street, on October 14th.

b. Scheduling of items identified for consideration at future Commission meetings

Commissioner Onek would like a closed session in regards to the status of the disciplinary cases.

PUBLIC COMMENT
Barbara Growth discussed concerns.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Onek, second by Commissioner Mazzucco. Approved 4-0.

CLOSED SESSION (7:47 p.m. to 8:05 p.m.)

a. CONFERENCE WITH LEGAL COUNSEL: Pending Litigation Fonseca v. Fong, California Court of Appeal Case No. A120206; San Francisco Superior Court Case No. 507-227

(Present: Commissioners Marshall, Mazzucco, Onek, Pan, Chief Gascón, City Attorney L. Ross, Lieutenant Reilly)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek for non disclosure. Approved 4-0.

ADJOURNMENT

Motion by Commissioner Onek, second by Commissioner Mazzucco. Approved 4-0.

Thereafter, the meeting was adjourned at 8:10 p.m.

_____

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, SEPTEMBER 30, 2009
6:00 p.m.

Southern District
Treasure Island
Casa de la Vista, Building 27
191 Avenue of the Palms
San Francisco

GOVERNMENT DOCUMENTS DEPT

SEP 28 2009

SAN FRANCISCO PUBLIC LIBRARY

09-28-09P03:18 RCVD

Pledge of Allegiance; Roll Call

1. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports

2. Captain Daniel McDonagh, Commanding Officer of Southern Station, to address the Commission on Police Activities in the Southern District (DISCUSSION ONLY)

3. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

4. **Routine Administrative Business** (Discussion Only)
   a. Commission Announcements
      - Assignment of Disciplinary Charges filed in Case No. ALW C09-175 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Items identified for consideration at future Commission Meetings

5. Public Comment on all matters pertaining to Closed Session.

6. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

7. Closed Session

   a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
      PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary matters (DISCUSSION ONLY)

8. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

9. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held in the **Southern District, at Treasure Island, Casa de la Vista, Building 271, 191 Avenue of the Palms, Street, San Francisco**. For information about MUNI service, please call 311.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

SEPTEMBER 30, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Southern District, Treasure Island, Casa de la Vista, Building 271, 191 Avenue of the Palms, San Francisco, at 6:04 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan

(Commissioner DeJesus arrived at 6:17 p.m.)

Commissioner Marshall welcomed the audience and asked the Commissioners to introduce themselves.

REPORTS TO THE COMMISSION

a. Chief's Report

- Update on significant policing efforts by Department members

Chief Gascón updated the Commission on the Department's reorganization and stated the goal is to implement this process by early November. Chief Gascón also announced that the first Compstat meeting will be on October 21st. The Chief also stated that he will be attending the City Chiefs of Police Conference and the International Associations of Chiefs of Police Annual Meeting in Denver starting Thursday. Chief Gascón also talked about a recent press conference in regards to illegal cultivation of marijuana in the Taraval District. The Chief went on to talk about safety cameras and how it was used in Los Angeles' McArthur Park. Chief Gascón stated that he is not ready to move on with the camera because of other priorities.

b. OCC Director's Report

- Review of recent activities

Director Hicks introduced herself and members of her staff. Present were Sr. Investigator Eric Baltazar, and Attorneys Inez Fraenkel and Manny Fortes. Director Hicks went on to describe the duties and responsibilities of the OCC.

c. Commission Reports

- Commission President's Report

Commissioner Marshall reported that he, along with the Deputy City Attorney and Commission Mazzucco, met in regards to rules and procedures governing disciplinary hearings.

PUBLIC COMMENT

None

CAPTAIN DANIEL McDONAGH, COMMANDING OFFICER OF SOUTHERN STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE SOUTHERN DISTRICT

Captain McDonagh addressed the audience and described the demographics of the Southern District.

PUBLIC COMMENT

Maryanne Saiz, Director of Treasure Island, thanked Captain McDonagh and commended his staff for working hard in keeping the Island safe.

Mark Connors discussed concerns in regards to police dispatched and thanked Captain McDonagh.

Unidentified, China Basin, discussed concerns in regards to who is

GOVERNMENT DOCUMENTS DEPT

DEC - 9 2009

SAN FRANCISCO PUBLIC LIBRARY

responsible for the China Basin area.

Angel Rotea commended Captain McDonagh and the officers of Southern Station for their work with the hotel industry in keeping tourists safe.

Marina Dasilva, Director Boys and Girls Club, thanked Captain McDonagh for his support and asked programs in the Bayview be also available at Treasure Island.

Kahila Coach asked for programs to help individuals get out of the system and help them be independent.

Brett Vaugh, housing director, thanked the Chief and the officers for their work at Treasure Island.

Rachel Franklin, Catholic Charities, commended Captain McDonagh for always being there for them.

Margaret Hillsborough thanked the officers at Treasure Island for a wonderful job they are doing.

Melanie Williams, TI resident, thanked the Chief and Captain McDonagh for their support for Treasure Island.

Mother Brown, Bayview District, asked for support for the Bayview to make sure kids stay in school.

Captain McDonagh thanked the community for showing up.

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

- Assignment of Disciplinary Charges file din Case No. ALW C09-175 to Commissioner Petra DeJesus for the taking of evidence on a date to be determined by the Commissioner (Resolution no. 89-09)

b. Items identified for consideration at future Commission Meetings

None

PUBLIC COMMENT

None

PUBLIC COMMENT ON ALL MATERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner ONek. Approved 6-0.

Chief Gascón stated that there will be six to eight cases that will be presented to the Commission in Closed Session next week for approval pending reaching an agreement with the parties. Chief Gascón stated that the goal is to move as many cases as possible so that the Commission can concentrate on the more serious cases that would require hearings.

CLOSED SESSION (7:30 p.m. to 8:39 p.m.)

a. PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary matters

PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan, Chief Gascón, Deputy City Attorney Blits, Lieutenant Reilly)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek for non disclosure. Approved 6-0.

ADJOURNMENT

Motion by commissioner Pan, second by Commissioner Lee. Approved 6-0.

Thereafter, the meeting was adjourned at 8:40 p.m.

_____

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 7, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. Adoption of the Minutes (ACTION ITEM)
   - Regular meeting of September 2, 2009

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

10-06-09A11:18 RCVD

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

GOVERNMENT DOCUMENTS DEPT
OCT - 6 2009
SAN FRANCISCO PUBLIC LIBRARY

4 **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
      - Withdrawal of the Appeal of the Chief's Suspension filed in Case No. MCD A 204-07
   b. Scheduling of items identified for consideration at future Commission meetings

5 Public Comment on all matters pertaining to Closed Session.

6. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

7. Closed Session
   a. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1):
      CONFERENCE WITH LEGAL COUNSEL
      Lozenski, et al. v. CCSF, et al., San Francisco Superior Court No. 436254
      (ACTION ITEM)

   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
      PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. JWA C04-106 (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 7, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. ALW C08-079 (ACTION ITEM)

d. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of the Appeal of the Chief's Suspension filed in Case No. ALW D07-012 (ACTION ITEM)

e. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION ITEM)
PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of the Appeal of the Chief's Suspension filed in Case No. ALW D08-126 (ACTION ITEM)

(OPEN SESSION)
Roll Call.

8. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

9. Approval of Consent Calendar (ACTION ITEM)
   a. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:
   Lozenski, et al. v. CCSF, et al., San Francisco Superior Court No. 436254

10. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

OCTOBER 7, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:36 p.m. , in a Regular Meeting.

PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan

(Commissioner DeJesus arrived at 5:58 p.m.)

ADOPTION OF MINUTES

- **Regular meeting of September 2, 2009**

Motion by Commissioner Mazzucco, second by Commission Onek. Approved 5-0.

PUBLIC COMMENT

Unidentified discussed concerns regarding arrest.

REPORTS TO THE COMMISSION

a. Chief's Report

- **Update on significant policing efforts by Department members**

Chief Gascón talked about his trip to Denver for the, International Association of Chiefs of Police, " IACP," Conference.

b. OCC Director's Report

- **Review of recent activities**

Director Hicks reported on complaints received, mediation, and outreach. The OCC opened 794 cases year to date, closed 792; sustained 39; 7 pending from 2008 and 389 from 2009 for a total of 396 pending cases. Mediation: 8 cases mediated for September, 2 in October, 63 cases year to date.

Director Hicks also stated the OCC mediation program is featured in the NACOLE Review, Fall 2009 issue.

Director Hicks also stated that she, along with four investigators, attended the Immigrant Rights Commission meeting.

c. Commission Reports

- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco asked that the meeting be adjourned in memory of Inspector Lou Ligouri who passed away last night.

Captain Lazar presented a citizen's commendation to Ms. Iris Lett for her help in the arrest of two robbery suspects.

PUBLIC COMMENT

None

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

- **Withdrawal of the Appeal of the Chief's Suspension filed in Case No. MCD A204-07** (Resolution No. 95-09)

b. Scheduling of items identified for consideration at future Commission meetings

GOVERNMENT DOCUMENTS DEPT

DEC - 9 2009

SAN FRANCISCO PUBLIC LIBRARY

Commissioner Lee requested a presentation on elder abuse since this month is Domestic Violence Awareness Month.

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner DeJesus. Approved 6-0.

CLOSED SESSION (6:15 p.m. to 7:03 p.m.)

a. **CONFERENCE WITH LEGAL COUNSEL**
Lozenski, et al. V. CCSF, et al., San Francisco Superior Court No. 436254

b. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. JWA C04-106** (Resolution No. 91-09)

c. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. ALW C08-079** (Resolution No. 92-09)

d. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. ALW D07-012** (Resolution No. 93-09)

e. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of the Appeal of the Chief's Suspension filed in Case No. ALW D08-126** (Resolution No. 94-09)

(PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan, Chief Gascón, Deputy City Attorney Ross, Lieutenant Reilly, Mr. Steve Johnson, Attorney O'Haire, Director Tidwell)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek for non disclosure. Approved 6-0.

APPROVAL OF CONSENT CALENDAR

a. **Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:**
Lozenski, et al. v. CCSF, et al., San Francisco Superior Court No. 436254

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 6-0.

PUBLIC COMMENT
None

RESOLUTION NO. 90-09

LOZENSKI, et al. v. CITY AND COUNTY OF SAN FRANCISCO, et al.

RESOLVED, that the recommendation of the City Attorney for settlement in the litigation of "Lozenski, et al. v. City and County of San Francisco," in San Francisco Superior Court Case No. 04-436254, be, and the same is hereby approved.

Date of Incident: December 14, 2004

AYES: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Onek, to adjourn the meeting in memory of Inspector Lou Ligouri. Approved 6-0.

Thereafter, the meeting was adjourned in memory of Inspector Lou Ligouri, at 7:25 p.m.

_____

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

CITY HALL
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

45
1
10/14/09
cancelled

The Commission will not have a regular meeting on Wednesday, October 14, 2009.

Please join the Commission at its next regular meeting on Wednesday, October 21, 2009, at 5:30 p.m., in Room 400, at City Hall.

GOVERNMENT
DOCUMENTS DEPT

OCT 09 2009

SAN FRANCISCO
PUBLIC LIBRARY

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 21, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

2. **Consent Calendar** (RECEIVE & FILE; ACTION ITEM)
   - Police Commission's 3rd Quarter 2009 Report of Closed Session Disciplinary Actions (Veronese Resolution)
   - OCC's 3rd Quarter 2009 Statistical Report

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
   - Update on significant policing efforts by Department members
   - Presentation of the 3rd Quarter 2009 FDRB Findings & Recommendations
   - Presentation of the Officer-Involved Shooting Investigation Status Summary

   b. OCC Director's Report
   - Review of Recent Activities

   c. Commission Reports
   - Presentation of Certificate of Merit & Appreciation to the family of former Commissioner Burl A. Toler
   - Commission President's Report
   - Commissioners' Reports

4. Presentation of the Quarterly Report by the Department and the Office of Citizen Complaints regarding Policy Proposals (Sparks Resolution)

10-20-2009 1:58 PM

GOVERNMENT
DOCUMENTS DEPT

OCT 20 2009

SAN FRANCISCO
PUBLIC LIBRARY

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 21, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

5. **Routine Administrative Business** (DISCUSSION & POSSIBLE ACTION)
   a. Commission Announcements
      - Assignment of Disciplinary Charges filed against Patrol Special Officer Hanley Chan, File No. ALW C09-192, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
      - Assignment of Disciplinary Charges filed against Patrol Special Officer Hanley Chan, File No. ALW C09-193, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
      - Assignment of Disciplinary Charges filed in Case No. ALW C09-151 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
      - Assignment of Disciplinary Charges filed in Case No. JWA C09-126 & JWA C09-209 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
      - Assignment of an Appeal of the Chief's Suspension filed in Case No. ALW D09-174 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission Meetings

6. Public Comment on all matters pertaining to Closed Session.

7. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

8. Closed Session
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
      PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
      Review of findings and decision to return officer to duty following officer involved shooting (OIS Case No. 09-005)

   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
      PERSONNEL EXCEPTION: Request of the Office of Citizen Complaints' Director to return OCC-filed Case No. C06-018 SL to OCC pursuant to stipulation of the parties, for referral to the Chief of Police for evaluation and potential discipline of up to 10 days suspension (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 21, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
PERSONNEL EXCEPTION: Request of the Office of Citizen Complaints' Director to return OCC-filed Case No. C06-019 SL to OCC pursuant to stipulation of the parties, for referral to the Chief of Police for evaluation and potential discipline of up to 10 days suspension (ACTION ITEM)

d. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
PERSONNEL EXCEPTION: Request of the Office of Citizen Complaints' Director to return OCC-filed Case No. C06-131 SL to OCC pursuant to stipulation of the parties, for referral to the Chief of Police for evaluation and potential discipline of up to 10 days suspension (ACTION ITEM)

(OPEN SESSION)
Roll Call.

9. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

OCTOBER 21, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:45 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall, mazzucco, Lee, Onek, Pan

(Commissioner DeJesus arrived at 5:50. Commissioner Lee is excused at 6:41 p.m.)

REPORTS TO THE COMMISSION (Taken out of order)

c. Commission Reports

- **Presentation of Certificate of Merit & Appreciation to the family of former Commissioner Burl A. Toler**

Commissioner Mazzucco welcomed the family of Commissioner Toler and gave a brief history of Commissioner Toler's life.

Commissioner Marshall presented the Certificate of Merit & Appreciation to the Toler Family.

Mr. Burl Toler, Jr., thanked the Commission for the award of merit for his dad.

PUBLIC COMMENT

Francisco Dicosta discussed concerns regarding a false arrest incident.

Timothy Norris, victim of false arrest, discussed concerns.

Unidentified discussed concerns regarding a city official stalking and harassing her.

Frank Martin Del Campo, SEIU 1021, discussed concerns regarding the matter of payroll clerks not being paid.

Unidentified discussed concerns regarding incidents in the Broadway area related to nightclubs.

Jeffrey McMauley discussed concerns regarding officers' actions against a person with disability.

CONSENT CALENDAR

- **Police Commission's 3rd Quarter 2009 Report of Closed Session Disciplinary Actions (Veronese Resolution)**
- **OCC's 3rd Quarter 2009 Statistical Report**

Motion by Commissioner Mazzucco, second by Commissioner DeJesus. Received and filed. Approved 6-0.

REPORTS TO THE COMMISSION

a. Chief's Report

- **Update on significant policing efforts by Department members**
- **Presentation of the 3rd Quarter 2009 FDRB Findings & Recommendations**
- **Presentation of the Officer-Involved Shooting Investigation Status Summary**

Chief Gascón updated the Commission on recent crime statistics. He also reported on the first Compstat meeting and stated that it was very well received by the members of the Department who attended and the goal is to have a compstat meeting every other week.

Chief Gascón also stated that he was approached by the President of the Board of Supervisors in regards to a Charter Amendment for the June ballot to

GOVERNMENT DOCUMENTS DEPT

DEC 15 2009

SAN FRANCISCO PUBLIC LIBRARY

redesign the Police discipline system. The Chief stated that he is trying to put a workgroup together to have all the stakeholders present in one room to have a consensus. However, the time line will be tight because a valid measure is needed by the early spring.

Commissioner DeJesus asked the Commission be informed in regards to his ideas about tasers and the re-establishment of an Intelligence Unit. Chief Gascón stated that what he is advocating is that the Department have an Intelligence Unit in order to collect intelligence especially in the area of terrorism in order to work and join the rest of the law enforcement community around the nation. The Chief also stated that the Department needs an intelligence unit that can collect intelligence under very clear guidelines approved by the Commission and have enough safeguards including auditing mechanisms. He also stated that this is a discussion that he would like to put in the public arena to let people express their concerns and then put a working group together to look at best practices around the country and come up with a system that the Commission will be comfortable with and that is acceptable to the community.

Commissioner Mazzucco stated that he likes the idea of having an intelligence unit and that it is best for the City and commended the Chief for taking on the challenge and for bringing the ACLU on board to help put together a program that will preserve safety and constitutional rights. He further commended the Chief for what he did at Compstat.

Commissioner Onek also commended the Chief and Detective Godown for Compstat.

Commissioner Pan suggested that the subject of tasers and the Intelligence Unit be noticed to let the public know that that is what's being discussed to allow for public comment.

Sergeant Mike Nevin, MCD, presented the 3rd Quarter 2009 FDRB Report and the 2009 OIS Investigation Status Summary.

OCC DIRECTOR'S REPORT

- **Review of recent activities**

Director Hicks reported on pending cases and mediation. The OCC opened 836 cases from January 1st of this year and closed 836 cases to date, sustained 41 cases with 3 pending cases from 2008. The OCC have resolved more than 99 percent of their 2008 cases. They have 391 pending cases from 2009 for a total of 394 cases pending. As far as mediation, Director Hicks reported that the OCC mediated 3 cases in November for a total of 64 cases to date.

COMMISSION REPORTS (continued)

- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Marshall commented in regards to the Awards Ceremony. Commissioner DeJesus stated that she is really sorry that she missed the ceremony but that was the day of the truck accident on the Bay Bridge.

PUBLIC COMMENT

None

PRESENTATION OF THE QUARTERLY REPORT BY THE DEPARTMENT AND THE OFFICE OF CITIZEN COMPLAINTS REGARDING POLICY PROPOSALS (SPARKS RESOLUTION)

Ms. Samara Marion, OCC, highlighted some of the policy work done for this quarter.

Lieutenant Rob O'Sullivan, Planning, presented the quarterly report in regards to policy proposals.

Commissioner Pan commented in regards to department bulletin amending a Department General Order and asked that the OCC and the Department work together to amend the DGOs so that the Commission is aware of the change.

PUBLIC COMMENT
None

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

- **Assignment of Disciplinary Charges filed against Patrol Special Officer Hanley Chan, File No. ALW C09-192, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution 96-09, Assigned to Commissioner Mazzucco)
- **Assignment of Disciplinary Charges filed against Patrol Special Officer Hanley Chan, File No. ALW C09-193, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution 97-09, Assigned to Commissioner Mazzucco)
- **Assignment of Disciplinary Charges filed in Case No. ALW C09-151 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 98-09, Assigned to Commissioner Marshall)
- **Assignment of Disciplinary Charges filed in Case No. JWA C09-126 & JWA C09-209 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 99-09, Assigned to Commissioner Marshall)
- **Assignment of an Appeal of the Chief's Suspension filed in Case No. ALW D09-174 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 100-09, Assigned to Commissioner Lee)

b. Scheduling of items identified for consideration at future Commission Meetings

Commissioner Marshall asked that the presentation on domestic violence be agendized.

Commissioner Mazzucco asked that a presentation in regards to the police reserves program.

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 5-0.

CLOSED SESSION (7:43 p.m. to 8:20 p.m.)

a. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police**
Review of findings and decision to return officer to duty following officer involved shootings (OIS Case No. 09-005)
(Present: Commissioners Marshall, Mazzucco, DeJesus, Onek, Pan, Chief Gascón, Lieutenant Reilly, Sergeant Nevin)

b. **PERSONNEL EXCEPTION: Request of the Office of Citizen Complaints' Director to return OCC-filed Case No. C06-018 SL to OCC pursuant to stipulation of the parties, for referral to the Chief of Police for evaluation and potential discipline of up to 10 days suspension** (Resolution 101-09)
(Present: Commissioners Marshall, Mazzucco, DeJesus, Onek, Pan, Chief Gascón, Lieutenant Reilly, Attorney Fraenkel, Mr. Steve Johnson)

c. **PERSONNEL EXCEPTION: Request of the Office of Citizen Complaints' Director to return OCC-filed Case No. C06-019 SL to OCC pursuant to stipulation of the parties, for referral to the Chief of Police for evaluation and potential discipline of up to 10 days suspension** (Resolution 102-09)
(Present: Commissioners Marshall, Mazzucco, DeJesus, Onek, Pan, Chief Gascón, Lieutenant Reilly, Attorney Fraenkel, Mr. Steve Johnson)

d. **PERSONNEL EXCEPTION: Request of the Office of Citizen Complaints' Director to return OCC-filed Case No. C06-131 SL to OCC pursuant to stipulation of the parties, for referral to the Chief of Police for evaluation and potential discipline of up to 10 days suspension** (Resolution 103-09)
(Present: Commissioners Marshall, Mazzucco, DeJesus, Onek, Pan, Chief Gascón, Lieutenant Reilly, Attorney Fraenkel, Mr. Steve Johnson)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Pan, second by Commissioner Onek for non disclosure. Approved 5-0.

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 5-0.

Thereafter, the meeting was adjourned at 8:22 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 28, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. Adoption of the Minutes (ACTION ITEM)
   - Regular meeting of September 16, 2009

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

10-27-06A11:15

GOVERNMENT DOCUMENTS DEPT

OCT 27 2009

SAN FRANCISCO PUBLIC LIBRARY

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

4 **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
      - Assignment of disciplinary charges filed against Patrol Special Officer Hanley Chan, File No. ALW C09-221, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission meetings

5 Public Comment on all matters pertaining to Closed Session.

6. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

7. Closed Session
   a. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1):
      CONFERENCE WITH LEGAL COUNSEL
      Marco Maestrini v. CCSF, et al., USDC No. C07-2941
      (ACTION ITEM)

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 28, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
PERSONNEL EXCEPTION: Request of the Chief of Police to return disciplinary charges filed in Case No. KMO C09-073 to the Department pursuant to stipulation of the parties, for referral to the Chief of Police for evaluation and potential discipline of up to 10 days suspension (ACTION ITEM)

c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
PERSONNEL EXCEPTION: Request of the Chief of Police to return disciplinary charges filed in Case No. ALW C08-120 to the Department pursuant to stipulation of the parties, for referral to the Chief of Police for evaluation and potential discipline of up to 10 days suspension (ACTION ITEM)

d. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
PERSONNEL EXCEPTION: Request of the Chief of Police to return disciplinary charges filed in Case No. ALW C08-177 to the Department pursuant to stipulation of the parties, for referral to the Chief of Police for evaluation and potential discipline of up to 10 days suspension (ACTION ITEM)

e. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
PERSONNEL EXCEPTION: Request of the Chief of Police to return disciplinary charges filed in Case No. RMW C08-190 to the Department pursuant to stipulation of the parties, for referral to the Chief of Police for evaluation and potential discipline of up to 10 days suspension (ACTION ITEM)

f. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary matters filed in Case Nos. ALW C07-076 and ALW C09-004 (DISCUSSION ONLY)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 28, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

(OPEN SESSION)
Roll Call.

8. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

9. Approval of Consent Calendar (ACTION ITEM)
   a. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:
      Marco Maestrini v. CCSF, et al., USDC No. C07-2941
   b. Approval to accept donation from Mr. John York, owner of the San Francisco 49ers, of four hats and eight tickets to the October 11th 49er Football Game to the officers of Ingleside Station

10. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

THERESA SPARKS
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

OCTOBER 28, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:43 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan
(Commissioner DeJesus arrived at 5:58 p.m.)

ADOPTION OF THE MINUTES

- **Regular Meeting of September 16, 2009**

Motion by Commissioner Onek, second by Commissioner Mazzucco. Approved 5-0.

PUBLIC COMMENT

Jeanette Burger discussed concerns regarding Tasers and unlicensed drivers.

Roberta Toomer and Beverly Upton, Domestic Violence Consortium, announced that this month is Violence Awareness month.

28/09

Michael Petrallis thanked the Chief for issuing more press passes and commended the Chief for enforcement in the Tenderloin.

Doug Malar discussed concerns regarding a Michael Aquino and the torture of children and asked that the investigation continues as it was started with the administration of Chief Fong.

Christine Harris discussed concerns regarding Sgt. Raymond Beazley and the use of microwave weapons and being stalked.

Peter Alexander Chernoff discussed concerns regarding drug dealing within law enforcement and discussed concerns regarding harassment of Christine Harris.

Craig Gold discussed mobile catering and denial of permits.

REPORTS TO THE COMMISSION

a. Chief's Report

- **Update on significant policing efforts by Department members**

Chief Gascón announced that the Department is preparing for Halloween and that next Wednesday is the second Compstat meeting. Chief Gascón also stated that process to amend the discipline process is on the way with the first meeting coming up fast.

b. OCC Director's Report

- **Review of recent activities**

Director Hicks talked about two items. The first, cases opened. The OCC opened 846 cases to date; closed 862 cases with 43 cases sustained. Director Hicks stated that the OCC has no pending cases from 2008 with 379 pending cases for 2009. As far as mediation, the OCC mediated 5 cases in October for a total of 66 cases to date.

Director Hicks also announced that she will be attending the NACOLE Conference to talk about the OCC's Mediation Program.

c. Commission Reports

- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Onek commended the Omega Boys Club for its recent event honoring 150 graduates.

GOVERNMENT
DOCUMENTS DEPT

DEC 15 2009

SAN FRANCISCO
PUBLIC LIBRARY

PUBLIC COMMENT
None

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

- **Assignment of disciplinary charges filed against Patrol Special Officer Hanley Chan, File No. ALW C09-221, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Assigned to Commissioner Mazzucco, Resolution 104-09)

b. Scheduling of items identified for consideration at future Commission meetings

Commissioner DeJesus would like a status update as to the issue going on regarding the payroll clerks. Assistant Chief Lynch stated that the grievance is at the Department of Human Resources' level and is out of the Department's hands for right now.

Commissioner Lee would like a presentation in regards to elder abuse. Chief Gascón stated it can be done next week.

Commissioner Mazzucco would like a report in regards to police reserves and what the status of the program is.

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

Barbara Growth discussed concerns.

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner DeJesus. Approved 6-0.

CLOSED SESSION (6:30 p.m. to 7:35 p.m.)

a. CONFERENCE WITH LEGAL COUNSEL
Marco Maestrini v. CCSF, et al., USDC No. C07-2941
(PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan, Chief Gascón, Lieutenant Reilly)

b. PERSONNEL EXCEPTION: Request of the Chief of Police to return disciplinary charges file din case No. KMO C09-073 to the Department pursuant to stipulation of the parties, for referral to the Chief of Police for evaluation and potential discipline of up to 10 days suspension
(PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan, Chief Gascón, Lieutenant Reilly, Deputy City Attorney Blits, Attorney K. O'Haire, Attorney J. Lassart)

c. PERSONNEL EXCEPTION: Request of the Chief of Police to return disciplinary charges file din case No. ALW C08-120 to the Department pursuant to stipulation of the parties, for referral to the Chief of Police for evaluation and potential discipline of up to 10 days suspension
(PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan, Chief Gascón, Lieutenant Reilly, Deputy City Attorney Blits, Attorney K. O'Haire, Mr. S. Johnson)

d. **PERSONNEL EXCEPTION: Request of the Chief of Police to return disciplinary charges file din case No. ALW C08-177 to the Department pursuant to stipulation of the parties, for referral to the Chief of Police for evaluation and potential discipline of up to 10 days suspension**

(PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan, Chief Gascón, Lieutenant Reilly, Deputy City Attorney Blits, Attorney K. O'Haire, Mr. S. Johnson)

e. **PERSONNEL EXCEPTION: Request of the Chief of Police to return disciplinary charges file din case No. RMW C08-190 to the Department pursuant to stipulation of the parties, for referral to the Chief of Police for evaluation and potential discipline of up to 10 days suspension**

(PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan, Chief Gascón, Lieutenant Reilly, Deputy City Attorney Blits, Attorney K. O'Haire, Mr. S. Johnson)

f. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary matters filed in Case Nos. ALW C07-073 and ALW C09-004**

(PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan, Chief Gascón, Lieutenant Reilly, Deputy City Attorney Blits)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek for non disclosure. Approved 6-0.

APPROVAL OF CONSENT CALENDAR

a. **Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney**
Marco Maestrini v. CCSF, et al, USDC No. C07-2941

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 6-0.

b. **Approval to accept donation from Mr. John York, owner of the San Francisco 49ers, of four hats and eight tickets to the October 11th 49er Football Game to the officers of Ingleside Station**

Motion by Commissioner DeJesus, second by Commissioner Onek. Approved 6-0.

RESOLUTION NO. 105-09

MARCO MAESTRINI v. CITY AND COUNTY OF SAN FRANCISCO, et al.

RESOLVED, that the recommendation of the City Attorney for settlement in the litigation of "Marco Maestrini v. City and County of San Francisco, et al.," in USDC No. C07-02941 PJH, be, and the same is hereby approved.

Date of Incident: October 29, 2006

AYES: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan

RESOLUTION NO. 110-09

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO ACCEPT DONATION FROM MR. JOHN YORK, OWNER OF THE SAN FRANCISCO 49ERS, OF FOUR HATS AND EIGHT TICKETS TO THE OCTOBER 11, 2009 49ERS FOOTBALL GAME, TO THE OFFICERS OF INGLESIDE STATION

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept donation from r. John York, owner of the San Francisco 49ers, of four hats and eight tickets to the October 11th 49ers football game, to the officers of the Ingleside Station.

AYES: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan

ADJOURNMENT

Motion by Commissioner Onek, second by Commissioner Pan. Approved 6-0.

Thereafter, the meeting was adjourned at 7:39 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, NOVEMBER 4, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Public Comment**
(Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

2. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
      - Presentation regarding the Department's Response to and Investigation of Elder Abuse Cases
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

11-02-09 15:50

GOVERNMENT
DOCUMENTS DEPT

NOV - 2 2009

SAN FRANCISCO
PUBLIC LIBRARY

3. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
      - Assignment of disciplinary charges filed against Patrol Special Officer Robert Burns, File No. JWA C09-220, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission meetings

4. Public Comment on all matters pertaining to Closed Session.

5. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

6. **Closed Session**

   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to grant or deny Motion to Exclude all Evidence and Dismiss all Charges related to Allegations that are Barred by the Statute of Limitations filed in Disciplinary Case Nos. ALW C07-076 and ALW C09-004 (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, NOVEMBER 4, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Closed Session continued:

b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
PERSONNEL EXCEPTION: Hearing on the Appeal of the Chief's Suspension and possible action to sustain or not sustain the Chief's Action as filed in Case No. ALW D09-174 (ACTION ITEM)

c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
PERSONNEL EXCEPTION: Request of the Chief of Police to return disciplinary charges filed in Case No. ALW C08-170 to the Chief's Level for disposition (ACTION ITEM)

d. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
PERSONNEL EXCEPTION: Request of the Chief of Police to return disciplinary charges filed in Case No. ALW C08-023 to the Chief's Level for disposition (ACTION ITEM)

e. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
PERSONNEL EXCEPTION: Request of the Chief of Police to return disciplinary charges filed in Case No. ALW C08-189 to the Chief's Level for disposition (ACTION ITEM)

(OPEN SESSION)
Roll Call.

7. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

8. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

NOVEMBER 4, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:43 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan

PUBLIC COMMENT

Christiana Hayashi, Deputy Director for Taxi, commended Sergeant Ron Reynolds of the SFPD Taxi Detail and discussed funding for staffing of the Taxi Detail.

Doug Mylar, Santa Rosa private investigator, discussed violent crimes against children.

Ted Gunderson, retired FBI Los Angeles, discussed violent crimes against children nationally.

Christine Harris, York Street, discussed concerns regarding electro magnetic weapons and organized stalking.

Unidentified SF resident discussed concerns regarding satellite monitoring.

Barry Cargole, President SF Cab Drivers' Association, discussed concerns regarding illegal taxicabs and illegal town cars and discussed staffing of the Taxi Detail.

Julian Hill, OFJ President, discussed concerns regarding transparency with the department in regards to appointments and promotions and discussed a succession plan and recruitment of African-Americans.

Austin Peterson, SF Cab Drivers Association, discussed concerns regarding illegal taxicabs.

Greg Richardson discussed recruitment of African-American officers and discussed community policing.

Arlene George Drummer, 127th recruit class, discussed concerns regarding doing the right thing when it comes to promotions and appointments.

REPORTS TO THE COMMISSION

a. Chief's Report

- **Update on significant policing efforts by Department members**
- **Presentation regarding the Department's Response to and Investigation of Elder Abuse Cases**

Chief Gascón discussed the second Compstat meeting that was held today at the Scottish Rite Auditorium. The Chief also discussed incidents during Halloween, the reorganization, and promotions made this week.

Commissioner Lee asked about gender, race of individuals in different ranks. Chief Gascón presented a spreadsheet showing gender and race percentages, and rank of officers in the department and the same information for individuals promoted. Commissioner Lee asked that the number of percentage of eligibility be added to the statistics. Chief Gascón stated that he had asked the Director of Human Resources to put together a work group of experts to look at the entire promotional process and try to identify the areas that can be improved upon. The Chief stated that the goal is to have a different testing process for the next test which is the captains' exam on October 2010.

Captain Ehrlich presented the Department's response to investigation of elder abuse cases.

Commissioner Lee asked why the Department does not have a dedicated unit for elder abuse. Captain Ehrlich stated that the Department is looking into that matter with the reorganization of the Department.

GOVERNMENT DOCUMENTS DEPT

FEB - 5 2010

SAN FRANCISCO PUBLIC LIBRARY

Ms. Beverly Upton, Domestic Violence Consortium, stated that they are proud of the SFPD for the work done in the area of domestic violence.

Ms. Mary Toomey, Co-director UC Irvine's Center of Excellence on Elder Abuse & Neglect, talked about the growing number of elders and how vulnerable they are to economic crimes, physical crimes, sexual crimes, and neglect. Ms. Toomey stated that nationally about 15 million people are victims of elder abuse, 200,000 in California, and in San Francisco about 6,000 reports of elder abuse are investigated by the Adult Protective Services every year. She stated that staffing and training for police officers are needed and stated that a stand-along elder abuse unit needs to be established.

Commissioner Mazzucco asked Ms. Toomey if she feels that the SFPD is adequately able to serve and investigate cases of elder abuse. Ms. Toomey stated that no because a lot of elder abuse cases are complex and requires special training, a special sensitivity and requires a lot of collaboration between city agencies.

Commissioner Mazzucco asked what training is provided to the officers in regards to elder abuse cases. Captain Ehrlich stated that there was department bulletin issued in regards to what to look for and the signs to look for in regards to elder abuse. Ms. Toomey also stated that the only requirement by POST is two hours at the academy for training on elder abuse.

Commissioner Pan asked how is the problem defined as to someone randomly mugged outside of his/her home versus a case of elder abuse or a financial scam versus someone who has access to the elder's financial records. Ms. Toomey stated that most elder abuse comes out of a relationship of trust and that 90 percent of elder abuse is perpetrated by family.

Ms. Kathy Black, Executive Director Casa de las Madres, talked about a federal grant and stated that in order to benefit from the grant staffing levels have to be sustained and have a unit that can be responsive and participate in the projects.

Ms. Erica Falk, Institute on Aging, in regards to Commissioner Marshall's question as to why he does not hear about elder abuse, stated that elder abuse is a new concept and stated that the victims are elders who were independent, do not like to complain, and when the abusers are family members, the victim will surely not turn in their sons or daughters. Another reason is dementia where the victim may not realize that a crime has been committed against them and they cannot report. Ms. Falk also stated that often cases have more than one thing going on and that these crimes are complex and takes a lot of finesse to investigate.

Ms. Julie Peck, Management Adult Protective Services ("APS") of CCSF, stated that APS is the public sector program that both receives and investigates reports of mandated elder and dependant adult abuse. Elder and dependant adult abuse include physical abuse, financial abuse, abandonment, abduction, isolation, neglect of others, and self neglect. Ms. Peck stated that from July 2009 through September 2009, APS received 6,958 reports of abuse and of this number 3,546 reports were cross reported to the SFPD; 51 percent of the reports involved a perpetrator and were cross reported to SFPD. She stated that a standalone Elder Abuse Unit in SFPD will bring a much needed centralized focus to crimes against the elderly and would benefit the victims.

Mr. Prescott Cole, Sr. Staff Attorney with California Advocates for Nursing Home Reform, talked about statistics and aging and financial abuse. He also talked about having a standalone unit can benefit the community in making financial abuse a crime and not just a civil matter.

Commissioner Lee recommended to the Chief to put together a task

force in regards to elder abuse.

Commissioner Onek thanked the presenters for a very informative discussion.

Commissioner DeJesus supports Commissioner Lee in having the Chief put together a task force if it is feasible to have a standalone Elder Abuse Unit.

Commissioner Marshall thanked the presenters and hopes that the Chief address the problem.

Commissioner Pan thanked the Department and the presenters.

Chief Gascón stated that he thinks that this is an area that is going to continue to grow and that this is an area where there is a need to be creative and that this is an area where civilian investigators may be used. The Chief asked the advocates to work with the Department to start exploring the creation of models that would include the addition of police officers, the creation of a standalone unit and the makeup of that unit, including the use of civilian investigators.

b. OCC Director's Report
- Review of recent activities

Director Hicks reported on cases received, mediation, and the NACOLE conference. Director Hicks stated that to date the OCC has opened 865 cases, closed 868 and sustained 42. There are 372 cases pending for 2009 and one case pending in 2008 (case was reopened for further investigation). The OCC also mediated 69 cases to date.

Director Hicks talked about the NACOLE conference that was held in Austin, Texas. Director Hicks stated that next year's conference will be in Seattle, Washington, from September 15th to September 18th.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports

Commissioner Marshall discussed the issue of staffing for the Commission office and stated that the Chief has agreed to add one person and that a report will be distributed to the Commission.

Commissioner Onek talked about the meeting in regards to the Charter amendment to the discipline process. He stated that everyone, meaning the stakeholders, agreed that the system is broken and something needs to be changed; everyone agrees that they want a process that is fair and a process that is swift because what we have now are officers that are out while their disciplines are pending. Commissioner Onek also commented on Compstat. Commissioner Onek also announced that tomorrow the Rules Committee of the Board of Supervisors will be selecting the Commissioner to replace Commissioner Sparks.

Commissioner Pan asked about the Charter amendment to the discipline process and what is the timeline for that process. Chief Gascón stated that a written document has to be in by December 15th but there also needs to be an agreement between the stakeholders before that time.

Ms. Linda Ross, Deputy City Attorney, explained the process. She stated that the Charter amendment is introduced in mid December and then there is a series of committee hearings before it goes to the full Board. It could either go on to a vote of majority of the members of the Board but before that

there will probably be more than one hearing in front of a committee for the public to submit their input.

Commissioner DeJesus discussed concerns about the OCC and having their power taken away or limiting them in anyway because the discipline process is so important and there has to be some balance in terms of what is given to the Chief in terms of discipline.

Director Hicks stated that she did have a conversation with Chief Gascón about the role of the OCC and stated that she hopes that any proposed Charter amendment would recognize the importance of civilian oversight of law enforcement.

PUBLIC COMMENT
None

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

- Assignment of disciplinary charges filed against Patrol Special Officer Robert Burns, File No. JWA C09-220, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner

RESOLUTION NO. 111-09

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR THE TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST PATROL SPECIAL OFFICER ROBERT BURNS, STAR NO. 2595 (FILE NO. JWA C09-220)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Patrol Special Officer Robert Burns, Star No. 2595, was called it having been set for this date; and

WHEREAS, Commissioner Joe Marshall is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Patrol Special Officer Robert Burns; therefore be it

RESOLVED, that Commissioner Joe Marshall is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Patrol Special Officer Robert Burns, and is to be set at a later date.

AYES: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan

b. Scheduling of items identified for consideration at future Commission meetings

None

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Pan. Approved 7-0.

CLOSED SESSION (8:33 p.m. to 11:09 p.m.)

(PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan, Chief Gascón, Lieutenant Reilly, City Attorney M. Blits, Attorney A. Worsham, Mr. Steve Johnson, & member involved)

a. **PERSONNEL EXCEPTION: Discussion and possible action to grant or deny Motion to Exclude all Evidence and Dismiss all Charges related to Allegations that are Barred by the Statute of Limitations filed in Disciplinary Case Nos. ALW C07-076 and ALW C09-004** (Resolution No. 112-09)

b. **PERSONNEL EXCEPTION: Hearing on the Appeal of the Chief's Suspension and possible action to sustain or not sustain the Chief's Action as filed in Case No. ALW D09-174** (Hearing continued to December 2, 2009)

c. **PERSONNEL EXCEPTION: Request of the Chief of Police to return disciplinary charges filed in Case No. ALW C08-170 to the Chief's Level for disposition** (Resolution No. 113-09)

d. **PERSONNEL EXCEPTION: Request of the Chief of Police to return disciplinary charges filed in Case No. ALW C08-023 to the Chief's Level for disposition** (Resolution No. 114-09)

e. **PERSONNEL EXCEPTION: Request of the Chief of Police to return disciplinary charges filed in Case No. ALW C08-189 to the Chief's Level for disposition** (Resolution No. 115-09)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner by Commissioner Mazzucco, second by Commissioner Onek for non disclosure except for item 6a. Approved 6-0.

ADJOURNMENT

Motion by Commissioner Pan, second by Commissioner Mazzucco. Approved 6-0.

Thereafter, the meeting was adjourned at 11:12 p.m.

_____

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOB MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOB REILLY
Secretary

F
45
1
1/11/09
cancelled

SAN FRANCISCO POLICE COMMISSION

NOTICE OF MEETING CANCELLATION

The Commission will not meet on Wednesday, November 11, 2009.

Please join the Commission at its next meeting on Wednesday, November 18, 2009, at 5:30 p.m., in Room 400, at City Hall.

GOVERNMENT
DOCUMENTS DEPT

NOV 06 2009

SAN FRANCISCO
PUBLIC LIBRARY

SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOE REILLY
Secretary

15
1
1/18/09
cancelled

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

CITY HALL
31 Dr. Carlton B. Goodlett Place
San Francisco, California

The Commission will not have a regular meeting on Wednesday, November 18, 2009.

Please join the Commission at its next regular meeting on Wednesday, December 2, 2009, at 5:30 p.m., in Room 400, at City Hall.

GOVERNMENT
DOCUMENTS DEPT

NOV 13 2009

SAN FRANCISCO
PUBLIC LIBRARY

850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS P. MAZZUCCO
Vice-President

PETRA DeJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

LIEUTENANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

CITY HALL
401 Dr. Carlton B. Goodlett Place
San Francisco, California

15
1
125/09
ancelled

The Commission will not have a regular meeting on Wednesday, November 25, 2009.

Please join the Commission at its next regular meeting on Wednesday, December 2, 2009, at 5:30 p.m., in Room 400, at City Hall.

GOVERNMENT
DOCUMENTS DEPT

NOV 20 2009

SAN FRANCISCO
PUBLIC LIBRARY

[illegible] PLACE AT BM 606 SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, DECEMBER 2, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Adoption of Minutes** (ACTION ITEM)
   - Regular Meetings of September 23rd, 30th, and October 7, 2009

2. **Approval of Consent Calendar** (ACTION ITEM)
   - Request of Captain Denis O'Leary for approval to accept a $50.00 gift certificate to Toast Restaurant from Sheriff Robert T. Doyle, Marin County Sheriff's Office
   - Request of the Chief of Police to accept a donation of a 10-year old Paint/quarter horse gelding from Mr. Von D. Vaugh, valued at $7,500.00, for use of the Police Mounted Unit

3. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

4. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
      - Presentation of the Department's 90-day Progress Review
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

GOVERNMENT
DOCUMENTS DEPT

NOV 30 2009

SAN FRANCISCO
PUBLIC LIBRARY

5. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
   - Assignment of disciplinary charges filed in Disciplinary Case No. ALW C09-186, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission meetings

6. Discussion and possible action to approve the request of the Chief of Police to apply for retroactively, accept and expend funds from the California Office of Traffic Safety (OTS) to implement the "Sobriety Checkpoint Mini-grant Program" (ACTION ITEM)

7. Discussion and possible action to take off calendar indefinitely the disciplinary charges filed in Case No. RMW C08-030. Member involved retired from the Department, effective September 16, 2009. Said disciplinary charges will be placed back on calendar should said member be within the jurisdiction of the Police Commission in the future (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, DECEMBER 2, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

8. Discussion and possible action to take off calendar indefinitely the disciplinary charges filed in Case No. ALW C08-048. Member involved will retire from the Department, effective December 5, 2009. Said disciplinary charges will be placed back on calendar should said member be within the jurisdiction of the Police Commission in the future (ACTION ITEM)

9. Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed against Patrol Special Officer Hanley Chan in Case Nos. ALW C08-091, JWA C09-039, ALW C09-070, ALW C09-120, ALW C09-152, ALW C09-192, ALW C09-193, & ALW C09-221 (ACTION ITEM)

10. Public Comment on all matters pertaining to Closed Session.

11. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

12. **Closed Session**

    a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
    PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. JWA C04-137
    (ACTION ITEM)

    b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
    PERSONNEL EXCEPTION: Hearing on the Appeal of the Chief's Suspension and possible action to sustain or not sustain the Chief's Action as filed in Case No. ALW D09-174
    (ACTION ITEM)

    c. Pursuant to Government Code section 54956.9(b)(1) and San Francisco Administrative Code Section 67.10(d)(2): (DISCUSSION ONLY)
    CONFERENCE WITH LEGAL COUNSEL : Anticipated Litigation
    City as Defendant (Number of potential cases: 1)

(OPEN SESSION)
Roll Call.

13. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

14. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

DECEMBER 2, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:34 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall, Mazzucco, Lee, Onek, Pan Hammer

Commissioner Marshall welcomed Commissioner Jim Hammer who introduced himself and gave a brief bio.

ADOPTION OF MINUTES

- Regular Meetings of September 23rd, 30th, & October 7, 2009

Motion by Commissioner Onek, second by Commissioner Mazzucco. Approved 6-0.

APPROVAL OF CONSENT CALENDAR

- **Request of Captain Denis O'Leary for approval to accept a $50.00 gift certificate to Toast Restaurant from Sheriff Robert T. Doyle, Marin County Sheriff's Office**
- **Request of the Chief of Police to accept a donation of a 10-year Paint/quarter horse gelding from Mr. Von D. Vaugh, valued at $7,500.00, for use of the Police Mounted Unit**

2/09

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 6-0.

RESOLUTION NO. 117-09

APPROVAL OF THE REQUEST OF CAPTAIN DENIS O'LEARY TO ACCEPT A $50.00 GIFT CERTIFICATE TO TOAST RESTAURANT FROM SHERIFF ROBERT T. DOYLE, MARIN COUNTY SHERIFF'S OFFICE

RESOLVED, that the Commission hereby approves the request of Captain Denis O'Leary to accept a $50.00 gift certificate to Toast Restaurant from Sheriff Robert T. Doyle, Marin County Sheriff's Office.

AYES: Commissioners Marshall, Mazzucco, Hammer, Lee, Onek, Pan

RESOLUTION NO. 118-09

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO ACCEPT A DONATION OF A 10-YEAR OLD PAIN/QUARTER HORSE GELDING FROM MR. VON D. VAUGHN, VALUED AT $7,500.00, FOR USE OF THE POLICE MOUNTED UNIT

RESOLVED, that the Commission hereby approves request of the Chief of Police to accept a donation of a 10-year old Pain/Quarter Horse gelding from Mr. Von D. Vaughn, valued at $7,500.00, for use of the Police Mounted Unit.

AYES: Commissioners Marshall, Mazzucco, Hammer, Lee, Onek, Pan

PUBLIC COMMENT

Lea Militello, President Pride Aliance, addressed the Commission to welcome Commissioner Hammer to the Commission.

Richard Hamlin discussed concerns regarding officers not taking accountability.

Christine Harris discussed concerns about being stalked by undercover officers and concerns regarding Sgt. Raymond Beazley.

GOVERNMENT DOCUMENTS DEPT

FEB 18 2010

SAN FRANCISCO PUBLIC LIBRARY

Judy Falker discussed concerns regarding being attacked, stalking, electromagnetic weapons, food tainting and how officers treated her negatively after reporting the incidents to the police.

Miki Shock discussed concerns regarding the unsolved homicide of Mr. Victor Bach in the Mission District.

Barry Corngold, President SF Cab Association, discussed illegal cabs and limos and the lack of enforcement and staffing of the Taxi Detail.

John Barry, former Taxi Commissioner, discussed illegal cabs and limos.

Carl McMurlough, Medallion Holder Association, asked that funds be released for staffing of the Taxi Detail for enforcement to stop illegal taxi cabs and limos.

Barry Tarranto discussed concerns regarding staffing to monitor illegal cabs and limos because it is a public safety issue.

Hung Su Kim, SF Taxi Coalition, discussed concerns regarding illegal taxis and limos and the lack of enforcement and asked that under the reorganization that illegal taxi enforcement be made a priority.

REPORTS TO THE COMMISSION

a. Chief's Report

- Update on significant policing efforts by Department members

- Presentation of the Department's 90-day Progress Report

Chief Gascón reported regarding arrest made in stabbing incident on Muni. The Chief also spoke about the NIJ Conference in Los Angeles.

Chief Gascón then presented the 90-day Progress Report.

Commissioner Lee asked about the restructuring and the promotion aspect and asked about the criteria review committee. Chief Gascón stated the he is putting together a working group which includes the police employee groups and people from the outside including Attorney Connie Rice from Los Angeles who is an expert in litigations and diversity issues. Ms. Rice has volunteered to become an advisor to the group. Chief Gascón stated that the task is to come up with a recommendation for a new testing process for the SFPD and to be able to implement it by the time of the next Civil Service test scheduled in October 2010. The group is to evaluate the current system, look for best practices around the country, and to come back with recommendations as to, not only to a testing system, but also in mentoring and employee development system that will allow the Department to improve the quality of promotional opportunities within the Department. Commissioner Lee asked that the Public Advocacy Group be invited to be part of this advisory group.

Commissioner Pan thanked the Chief for the upcoming OIS Report and asked that this item be presented to the Commission with significant notice to the public as to when it will be presented. Commissioner Pan also acknowledged the work done in regards to safety on Muni.

Commissioner Onek talked about the community advisory group and about attending the monthly meeting at the Ingleside and asked how will this be done in the other districts. Chief Gascón stated that the structure will be done uniformly in all the districts and that Captain Lazar has been tasked to work with the other nine district captains to help replicate the Ingleside model.

Commissioner Hammer asked the Chief to talk a little bit about the limited technology of the department. Chief Gascón explained that in order to have a good Compstat process is to have a good Records Management System where all police contacts are entered into a database, stored, and then having a system that can come in and take information out of storage, analyze the information, and digest the information and provide a product that is workable. What the Department has is the Cable System where the officers will write the report and then a clerk enters the report into the system and then there is the Oracle database where about 87 percent of reports are being input. However, the two systems do

not connect with one another. Another problem is that many of the officers do not have access to email. What is being done is Oracle is assessing the system and is getting ready to put an interim solution that will give the Department the opportunity to take what is in the Oracle database that exists in the Cable system and create an interim data warehouse from which the Department can extract information from. Chief Gascón is also looking to establish a Police Foundation where the department can get private funding for help and he is also trying to seek grant funding and help from the Federal Government. The Chief also stated that he is working with Senator Feinstein's office in trying to get help for funding.

Commissioner Mazzucco also commended the Chief for having the promotional ceremony yesterday. Commissioner Mazzucco also talked about disciplines and about creating a master calendar for disciplines for the next few weeks for the remaining cases. This is to have the officers and counsels, along with MCD and OCC, come to the Commission meeting to talk about the possibility of settling cases with the Commission's intervention. Commissioner Mazzucco also commended the Chief for all that he's done within the first 90-days.

Commissioner Marshall asked for an update on the PERF recommendations and implementation. Chief Gascón stated that he can have an update by March 2010.

OCC Director's Report

- **Review of recent activities**

Director Hicks talked about three things: (1) Budget reduction of $105,000; (2) Mediations; and (3) Pending cases. Director Hicks stated that due to the $105,000 budget reduction, she will need to propose the elimination of two of the six clerical positions, an investigator, and portions of the OCC's professional services, materials, supplies, overtime, temporary services, and telephone budgets. She stated the impact will be extremely painful and there are more budget cuts slated for 2010/11 fiscal year budget.

Commissioner Pan would like budget numbers be submitted to the Commission for reference.

Commissioner Onek asked about violating the Charter if the number of investigators go below the Charter requirements. Director Hicks stated that the OCC currently has 21 investigators so there will be no Charter violation but the OCC cannot afford to drop below that number.

Director Hicks reported that the OCC opened 937 cases to date and closed 943 as of November 30, 2009. The OCC sustained 47 cases to date with 386 pending cases from 2009 and 2 pending cases from 2008.

Director Hicks went on to talk about mediation. She stated that officers are beginning to turn down mediation because of a POA board member saying that mediations count toward the EIS threshold, thinking that EIS is discipline. Director Hicks suggested that the Commission remove mediated cases as EIS indicators for two reasons. She stated that mediations are conducted by skilled mediators, a panel of two, one an attorney and one not an attorney. During a mediation, the complainant and the officer both have the opportunity to speak with one another frankly; the officer is educated on the impact of his conduct and the complainant is educated on the rationale for the officer's conduct. Second, the officer can only go to mediation three times in a two-year period, and no more than once every six months. After an officer has three mediations in a two year period, then the officer must sit out from mediations for a year. If the officer is sustained, then he cannot participate in mediation for a year. Director Hicks stated that this year the OCC mediated 74 cases. From January to October, only three officers declined to mediate but in November, four officers declined to mediate.

Commissioner Mazzucco asked Director Hicks if she is in agreement with the POA to remove mediation as an EIS indicator. Commissioner Mazzucco asked that the Commission act quickly in taking care of the situation in removing mediation as an EIS indicator.

Chief Gascón stated that he would like to engage in dialogue about this and stated that mediation is a great tool but stated that it is important to go slowly on this because one of the things the whole EIS system is set up is to create clear indicators of patterns and warning systems. Chief Gascón stated that the Department needs to know if people are engaging in certain conduct and is being repeated. Chief Gascón stated that in some areas he might agree but there also might be areas of concern.

Commissioner Marshall stated that the EIS is not a discipline system. It is a professional development system.

Director Hicks stated that she fully agrees with Commissioner Marshall that the EIS is not a discipline system. She stated that what triggers this is the fact that an officer will have to sit down with someone about said behavior in addition to having voluntarily submitted to mediation. Director Hicks also stated that she hears the Chief as far as treating this very carefully to determine what cases are we mediating, the frequency with which the officer mediates, and all of those things certainly need to be considered, but she would recommend at looking carefully at not double counting cases for EIS and for mediations because this is voluntary.

Commissioner Onek suggested having a meeting with the Chief, the OCC, the POA, or other interested parties to try and work this out and come up with a compromise because mediation has been a very successful program. Commissioner Onek also asked about the impact of the upcoming budget cuts to the mediation program. Director Hicks stated that the next round of budget cuts will impact every category on staff and yes, the program could be impacted.

Commissioner Hammer asked if there are any written rules as to which cases can go to mediation. Director Hicks explained that there are categories that are ineligible for mediation. Commissioner Hammer stated that there should be a hearing and that this matter should be discussed.

Commissioner Marshall requested that the Department, OCC, and the POA meet and discuss this matter and get report back to the Commission.

Commission Reports
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco reported that, along with Commissioners Marshall and Hammer, they will meet to come up with a master calendar for disciplines to handle the remaining disciplinary cases. He went on to welcome Commissioner Hammer to the Commission.

Commissioner Onek stated that he thinks all the cases that are going to settle have already been settled and stated that for the remaining cases, hearing dates need to be set in order to move the cases. Commissioner Onek also commended the Chief for the promotional ceremony and welcomed Commissioner Hammer to the Commission.

Commissioner Hammer stated that the discussion will not only be settlements but that he will asked counsels to bring their calendars because trial dates will be set.

PUBLIC COMMENT

None

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

- **Assignment of disciplinary charges filed in Disciplinary Case No. ALW C09-186, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No.119-09, Assigned to Commissioner James Hammer)

b. Scheduling of items identified for consideration at future Commission meetings

Community meetings will be calendared within the next few weeks.

PUBLIC COMMENT
None

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE REQUEST OF THE CHIEF OF POLICE TO APPLY FOR RETROACTIVELY, ACCEPT AND EXPEND FUND FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) TO IMPLEMENT THE "SOBRIETY CHECKPOINT MINI-GRANT PROGRAM"

Motion by Commissioner Mazzucco, second by Commissioner Hammer. Approved 6-0.

APPROVAL TO AUTHORIZE THE CHIEF OF POLICE TO ACCEPT AND EXPEND FUNDS FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) TO IMPLEMENT THE "SOBRIETY CHECKPOINT MINI-GRANT PROGRAM"

RESOLVED, that the Police Commission hereby approves to authorize the Chief of Police to accept and expend funds from the California Office of Traffic Safety (OTS) to implement the "Sobriety Checkpoint Mini-grant Program" including any augmentations, extensions and modifications.

AYES: Commissioners Marshall, Mazzucco, Hammer, Lee, Onek, Pan
ABSENT: Commissioner DeJesus

PUBLIC COMMENT
None

DISCUSSION AND POSSIBLE ACTION TO TAKE OFF CALENDAR INDEFINITELY THE DISCIPLINARY CHARGES FILED IN CASE NO. RMW C08-030. MEMBER INVOLVED RETIRED FROM THE DEPARTMENT, EFFECTIVE SEPTEMBER 16, 2009. SAID DISCIPLINARY CHARGES WILL BE PLACED BACK ON CALENDAR SHOULD SAID MEMBER BE WITHIN THE JURISDICTION OF THE POLICE COMMISSION IN THE FUTURE
(Resolution 120-09)

Motion by Commissioner Mazzucco, second by Commissioner Pan. Approved 6-0.

Commissioner Pan asked about accountability for officers who retire and asked what authority, if any, does the Commission have after retirement of an officer on disciplinary charges. Deputy City Attorney Linda Ross stated that she will look into this matter.

PUBLIC COMMENT
None

DISCUSSION AND POSSIBLE ACTION TO TAKE OFF CALENDAR INDEFINITELY THE DISCIPLINARY CHARGES FILED IN CASE NO. ALW C08-048. MEMBER INVOLVED RETIRED FROM THE DEPARTMENT, EFFECTIVE DECEMBER 5, 2009. SAID DISCIPLINARY CHARGES WILL BE PLACED BACK ON CALENDAR SHOULD SAID MEMBER BE WITHIN THE JURISDICTION OF THE POLICE COMMISSION IN THE FUTURE
(Resolution 121-09)

Motion by Commissioner Pan, second by Commissioner Onek. Approved 6-0.

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION
(Taken out of order)

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Pan, second by Commissioner Onek. Approved 6-0.

CLOSED SESSION (7:40 p.m. to 8:12 p.m.)

a. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject stipulated disposition on disciplinary charges filed in Case No. JWA C04-137** (Resolution No. 123-09)
Present: Commissioners Marshall, Mazzucco, Lee, Hammer, Onek, Pan, Chief Gascón, Deputy City Attorney Blits, Lt. Reilly, Attorney Worsham, Attorney Mazzola, & member involved

Motion by Commissioner Hammer, second by Commissioner Lee to reject stipulated disposition.

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Pan for non disclosure. Approved 6-0.

DISCUSSION AND POSSIBLE ACTION TO ACCEPT OR REJECT STIPULATED DISPOSITION OF DISCIPLINARY CHARGES FILED AGAINST PATROL SPECIAL OFFICER HANLEY CHAN IN CASE NOS. ALW C08-091, JWA C09-039, ALW C09-070, ALW C09-120, ALW C09-152, ALW C09-192, ALW C09-193, & ALW C09-221

APPROVAL TO ACCEPT STIPULATED DISPOSITION IN THE MATTER OF PATROL SPECIAL OFFICER HANLEY CHAN (FILE NOS. ALW C08-091, JWA C09-039, ALW C09-070, ALW C09-120, ALW C09-152, ALW C09-192, ALW C09-193, AND ALW C09-221)

The hearing of Patrol Special Officer Hanley Chan, Star No. 2683, was called it having been set for this date. Patrol Special Officer Hanley Chan was charged, in properly verified complaints by Chief Heather J. Fong, former Chief of Police, and by Chief George Gascón, Chief of Police of the San Francisco Police Department in violating the Rules and Procedures, as follows:

File No. ALW C08-091:

SPECIFICATION NO. 1

Falsely representing himself as a San Francisco Police Officer, conduct which undermines the good order, efficiency and discipline of the Department and which brings discredit on the Department (a violation of Rule 3.18 of the Rules and Procedures for Patrol Special Officers and Their Assistants).

SPECIFICATION NO. 2

Entering a facility outside the jurisdiction of San Francisco, while off-duty and carrying a concealed weapon on his person, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 1.06(A) of the Rules and Procedures of Patrol Special Officers and Their Assistants).

SPECIFICATION NO. 3

Acting in a Rude and Discourteous manner, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 4.09 of the Rules and Procedures of Patrol Special Officers and Their Assistants and Rule 14 of Department General Order 2.01 of the San Francisco Police Department).

SPECIFICATION NO. 4

Carrying a concealed weapon without a license and carrying a loaded firearm in a public place, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department).

File No. JWA C09-039:

SPECIFICATION NO. 1

Knowingly accepting a new subscriber outside of one's assigned beat (a violation of Section 3.08 A of the Rules and Procedures for Patrol Special Officers and Their Assistants).

SPECIFICATION NO. 2

Listing a Police Station as one's place of business (a violation of Section 3.15 C of the Rules and Procedures for Patrol Special Officers and Their Assistants).

SPECIFICATION NO. 3

Operating a private security or investigative business in conjunction with Patrol Special services (a violation of Section 3.16 of the Rules and Procedures for Patrol Special Officers and Their Assistants).

SPECIFICATION NO. 4

Representing oneself as a Police Officer (a violation of Section 3.18 of the Rules and Procedures for Patrol Special Officers and Their Assistants).

SPECIFICATION NO. 5

Working a second security job outside the confines of one's beat while on duty (a violation of Section 4.11 of the Rules and Procedures for Patrol Special Officers and Their Assistants).

SPECIFICATION NO. 6

Failure to truthfully answer questions posed by a police officer during an investigation (a violation of Section 4.04 of the Rules and Procedures for Patrol Special Officers and Their Assistants).

File No. ALW C09-070:

SPECIFICATION NO. 1

Modifying his personal vehicles to give the impression that the cars were official law enforcement vehicles, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 5.07 of the Rules and Procedures for Patrol Special Officers and Their Assistants).

SPECIFICATION NO. 2

Being in possession of "Hot Sheets" printouts, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 4.23 of the Rules and Procedures for Patrol Special Officers and Their Assistants).

SPECIFICATION NO. 3

Failing to strictly obey and promptly execute the lawful orders of a police officer, conduct which undermines the good order, efficiency and discipline of the Department and which brings discredit on the Department (a violation of Rule 4.03 of the Rules and Procedures for Patrol Special Officers and Their Assistants).

SPECIFICATION NO. 4

Engaging in conduct which undermines the good order, efficiency and discipline of the Department and which brings discredit on the Department (a violation of Rule 4.20 of the Rules and Procedures for Patrol Special Officers and Their Assistants).

File No. ALW C09-120:

SPECIFICATION NO. 1

Displaying his Duty Weapon and Department Issued Patrol Special Officer Star while Off-Duty at a Firing Range, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 5.06 of the Rules and Procedures for Patrol Special Officers and Their Assistants).

File No. ALW C09-152:

SPECIFICATION NO. 1

Failure to Provide Residence Address to the Department (a violation of Rules 4.16 of the Rules and Procedures for Patrol Specials and Their Assistants).

SPECIFICATION NO. 2

Failure to Obey and Promptly Execute the Lawful Orders of a Police Officer (a violation of Rule 4.03 of the Rules and Procedures for Patrol Specials and Their Assistants).

File No. ALW C09-192:

SPECIFICATION NO. 1

Displaying a Personal Photograph While in Uniform on a Political Website, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 5.06 of the Rules and Procedures for Patrol Special Officers and Their Assistants).

File No. ALW C09-193:

SPECIFICATION NO. 1

Failure to Provide a Client List and List of Fees Charged, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 4.15 of the Rules and Procedures for Patrol Special Officers and Their Assistants).

SPECIFICATION NO. 2

Failure to Obey the Lawful Order of a Police Officer, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 4.03 of the Rules and Procedures for Patrol Special Officers and Their Assistants).

File No. ALW C09-221:

SPECIFICATION NO. 1

Failure to Provide Evidence of Workers' Compensation Insurance and Automobile Liability Insurance, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 3.03(I)(1) and (3) of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants).

SPECIFICATION NO. 2

Failure to Obey the Lawful Order of a Police Officer, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 4.03 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants).

Ms. Ashley Worsham, Attorney at Law, appeared on behalf of the Management Control Division and the San Francisco Police Department.

Patrol Special Hanley Chan appeared in person and was represented by Mr. Lou Silver, Attorney at Law.

The stipulated agreement states as follows:

"In the Matter of Patrol Special Officer Hanley Chan

File Numbers (1) ALW C09-120; (2) ALW C09-152; (3) JWA C09-039; (4) ALW C09-070;

(5) ALW C08-091; (6) ALW C09-192; (7) ALW C09-193; and (8) ALW C09-221

Agreed Disposition

This settlement agreement ("Agreement") is made between Patrol Special Officer Hanley Chan, ("Chan"), No. 2683, and the San Francisco Police Department (the "Department") arising out of the disciplinary matters designated San Francisco Police Commission (the "Commission") File Numbers: (1) ALW C09-120; (2) ALW C09-152; (3) JWA C09-039; (4) ALW C09-070; (5) ALW C08-091; (6) ALW C09-192; (7) ALW C09-193; and (8) ALW C09-221 (herein after the "Chan case"). Chan and the Department are also referred to herein as "the Parties."

WHEREAS Chan is a Patrol Special Officer and sole owner of Beat number 72 in the Northern District, in the City and County of San Francisco. Beat 72 has the following boundaries: "Starting from Sacramento Street (but not including Ellis Street); from the West side of Larkin Street between Ellis Street and Post Street to the East side of Franklin Street; Also from the north side of California Street to the north side of Sutter Street, and from the East side of Octavia Street to the East side of Franklin Street."

WHEREAS Chan is an independent operator and neither a member of the San Francisco Police Department nor an employee of the City and County of San Francisco.

WHEREAS Chan is subject to and governed by the Interim Rules and Procedures for Patrol Special Officers and Their Assistants, Adopted by the San Francisco Police Commission December 10, 2008 (herein after the "Rules and Procedures").

WHEREAS The Police Commission has delegated to the Chief of Police and the Police Department the authority to implement and administer the Rules and Procedures within their capabilities and resources.

WHEREAS on or about May 23, 2008, through October 9, 2009, then Chief of Police Heather J. Fong and Chief of Police George Gascón filed the Chan cases with the Commission accusing Chan of a violations of Rules and Procedures for Patrol Special Officers and Their Assistants, adopted November 30, 1994 and Amended November 10, 1999, and the Interim Rules and Procedures for Patrol Special Officers and Their Assistants Adopted by the San Francisco Police Commission December 10, 2008. The Chan cases, are incorporated herein by this reference and attached as Exhibit A; and

WHEREAS the parties wish to resolve the Chan cases now pending before the Commission,

NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:

A. Chan shall Resign From the Patrol Special Program

Chan shall resign from his position of Patrol Special Officer effective November 10, 2009.

Chan's resignation from his position of Patrol Special Officer has the same effect as the revocation of his appointment.

B. The Department shall Retain Jurisdiction Over All Disciplinary Cases Involving Chan, Pending the Sale of Beat 72

The Department and the Commission shall retain jurisdiction over all disciplinary matters involving Chan pending the sale of Beat 72. Upon satisfactory proof that Chan has sold Beat 72 and no longer retains any proprietary rights in Beat 72, the Department will dismiss the Chan cases.

The Department may request a formal hearing on all charges involving Chan, including but not limited to the Chan cases, should Chan engage in conduct which is in violation of the Rules and Procedures pending the sale of Beat 72.

C. Chan Shall Sell and Relinquish Any Proprietary Interest in Beat 72

Chan agrees to:

1. Sell Beat 72 and divest himself of any future proprietary interest in Beat 72. The Sale of this Beat shall be completed within six to nine months.

2. Appear before the Commission every three months from the date this Agreement is fully executed by the parties and approved by the Commission to provide a status update regarding the sale of Beat 72. (Proposed status dates are as follows: Wednesday March 3, 2010, Wednesday June 2, 2010, and Wednesday September 1, 2010).

3. Waive his right to contest the authority of the Commission to assume control of, and sell, Beat 72 should Chan fail to sell Beat 72 by September 1, 2010.

D. Chan May, Three (3) Years from Date of this Agreement, Re-Apply to Become a Patrol Special Officer

Chan may reapply to become a Patrol Special Officer three years from the date of this Agreement is fully executed by the parties and approved by the Commission.

There are no assurance, promises or guarantees implied by this Agreement with regards to future employment as a Patrol Special Officer.

E. Waiver of Rights by Chan

Chan hereby waives any and all rights he may have to: 1) any judicial and administrative due process in the Chan cases; 2) discipline imposed and accepted in this agreement, including but not limited to sections A, B, C, and D; 3) contest the severity of any and all future discipline imposed by the Commission in accordance with sections A and B.

F. Police Commission Approval

The parties agree that should the Police Commission reject this Agreement in whole or in part, Chan may rescind the Agreement at his option, and may assert his right to a trial before the Police Commission on the Chan cases.

G. Entire Agreement

The parties agree that this Agreement is a full and complete resolution of all charges that the Chief could bring against Chan with respect to the Chan cases.

H. Right to Representation

Chan acknowledges that he has the right to consult with an attorney concerning the waivers and promises contained in this Agreement. Chan acknowledges that he has had an opportunity to discuss this agreement and his rights and obligations with his attorney prior to executing this Agreement. Chan acknowledges that he has voluntarily and freely entered into this negotiated Agreement and that he understands and agrees to each and every term set forth herein, including but not limited to the waivers set forth in section E of this Agreement."

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 122-09

DECISION - HEARING OF PATROL SPECIAL OFFICER HANLEY CHAN(FILE NOS. ALW C08-091, JWA C09-039, ALW C09-070, ALW C09-120, ALW C09-152, ALW C09-192, ALW C09-193, AND ALW C09-221)

WHEREAS, on various dates in 2008 and 2009, Chief Heather J. Fong, former Chief of Police, and Chief George Gascón, Chief of Police of the San Francisco Police Department, made and served charges against Patrol Special Officer Hanley Chan, as follows:

File No. ALW C08-091:

SPECIFICATION NO. 1

Falsely representing himself as a San Francisco Police Officer, conduct which undermines the good order, efficiency and discipline of the Department and which brings discredit on the Department (a violation of Rule 3.18 of the Rules and Procedures for Patrol Special Officers and Their Assistants).

(1) At all times herein mentioned Hanley Chan, Star number 2683, (referred to as "the accused") was and is a Patrol Special Officer.

(2) Patrol Special Officers are defined as "A private patrol person, appointed by the Police Commission, who contracts to perform security duties of a private nature for private persons or businesses within the geographical boundaries set forth by the Police Commission. A Patrol Special is the owner of a beat. A Patrol Special is responsible for knowing and obeying the rules and procedures of the Patrol Special Officers and Assistant Patrol Special Officers."

(3) On April 13, 2008 at 1300 hours, the accused went to the Jackson arms Shooting Range in South San Francisco with his friend Mr. Lonnie Holmes and two other friends for shooting practice.

(4) The accused was off-duty at the time he went to the Jackson Arms Shooting Range located at 152 Utah Avenue in South San Francisco.

(5) Prior to entering the Jackson Arms Shooting Range, the accused placed his loaded firearm in his hip holster and entered the Jackson Arms Shooting Range facility. The accused, who was wearing civilian clothes at the time, was also wearing a jacket that concealed the firearm prior to entering the Range facility.

(6) It is the policy of the Jackson Arms Shooting Range facility, that no one may enter the facility, including off-duty sworn police officers, with a concealed firearm on their person.

(7) During the registration process, the accused entered the "hot box" which is the location where people unload and load their firearms. At this time, a Jackson Arms Shooting Range employee, Danny Nguyen who is a reserve officer with the San Mateo Police Department, noticed that the accused was wearing a concealed firearm on his person, specifically his pants belt.

(8) Realizing the accused entered the facility wearing a concealed firearm, Danny Nguyen asked the accused for his police identification.

(9) The accused informed Danny Nguyen that he did not have his police identification but did produce his Patrol Special Officer star.

(10) In addition to producing his Patrol Special Officer Star, the accused began to recite the names of police officers from the San Francisco Police Department in an effort to divert attention from the fact he did not possess police identification as required. The accused further stated that Captain Casciato was his immediate supervisor and mentioned the name of an ex-SFPD officer, Brian Normandy.

(11) The accused then stated that he was a San Francisco Police Officer assigned to Northern Station.

(12) During the encounter, the accused's attitude became disrespectful, persistent and confrontational and he continued to provide numerous excuses for why he did not have a police officer identification card with him.

(13) While the accused was speaking with Danny Nguyen, the manager of the Jackson Arms Range Facility, Mrs. Liza Normandy noticed the exchange and approached the counter.

(14) Mrs. Normandy was familiar with the accused and knew he was not a police officer. She has known him for approximately seven years through the accused's use of the facility.

(15) Having overheard the conversation the accused was having with Danny Nguyen, Mrs. Normandy thought it was possible that the accused had become a police officer since the last time she saw him. As such, she asked the accused what Department he was with.

(16) The accused did not respond to the question.

(17) Danny Nguyen then allowed the accused to enter the Range for shooting. However, as a result of the accused's reluctance to be forthcoming regarding his identification, they contacted Lieutenant Normandy from the South San Francisco Police Department.

(18) Lt. Normandy arrived at the Jackson Arms Shooting Range at approximately 1520 hours. He was on duty and dressed in full uniform. The accused was identified and summoned to the Front Desk.

(19) The accused responded to the front desk and Lt. Normandy asked him to step outside to the parking lot to discuss the matter.

(20) At the time, Lt. Normandy noticed that the accused was not dressed in uniform, but was wearing SFPD-style uniform pants, a black t-shirt and a blue windbreaker, and his star was displayed on the right side of his belt.

(21) The accused immediately identified himself and claimed he was "SFPD out of Northern Station." Lt. Normandy asked the accused for his police identification and the accused claimed he did not have it with him and then tried to tell Lt. Normandy that it was common practice for other SFPD officers not to carry their ID cards.

(22) Lt. Normandy noticed the accused's star/badge and asked to see it. The star/badge was six-point silver star, which was clearly marked as a Patrol Special Officer badge with the star/badge #2683.

(23) Once Lt. Normandy realized the accused was a Patrol Special Office, he admonished the accused to stop lying to him. Lt. Normandy was aware that Patrol Special Officers were not allowed to carry concealed weapons off-duty.

(24) The accused attempted to assert that the City Charter allowed him to carry a concealed weapon; however, when the accused was confronted about whether or not that privilege extended to "off-duty" status, the accused admitted he was not on-duty and outside the jurisdiction of San Francisco.

(25) The accused then stated that he carried his "sidearm" concealed because he had "made many enemies in San Francisco."

(26) Lt. Normandy then asked the accused if he possessed a Concealed Carry Weapon permit ("CCW permit"). The accused admitted that he did not have a CCW permit to carry the weapon.

(27) The accused then stated that as a Patrol Special Officer and beat owner, he had the privilege to carry a concealed weapon. However, the accused finally admitted that that privilege applied only when he was "on-duty."

(28) The accused then tried to assert that he was carrying his weapon at the time because he was going to work after leaving the shooting range. Lt. Normandy informed the accused that his explanation was not valid and could be considered a violation of California Penal Code sections 12025 and 12031.

(29) The accused was also informed that his statements could be considered a willful attempt to *Impersonate a Police Officer*, in violation of Penal Code Section 538, subsection (d).

(30) Lt. Normandy documented this incident in South San Francisco Police Report number 08-2943 and noted in the report that he found the accused to be "less than truthful and willfully evasive" and that the accused tried to rationalize his behavior.

(31) The accused admitted, during his interview with the Management Control Division, that he did in fact characterize himself as a "police officer assigned to Northern police Station" and that he may "have missed on the Patrol Special part ..." According to the accused, he assumed the personnel at the Jackson Arms Shooting Range were aware of his Patrol Special Officer status.

(32) The accused also admitted that during his conversation with Mrs. Normandy, she stated "Oh you work for the Police Department now?"

The accused responded by saying, "Yes, I'm assigned to Northern Police Station." Mrs. Normandy asked again, "So you're with the Police Department?" And the accused responded by saying, "Always have been, hello." *(The accused's tone was described as being sarcastic.)*

(33) The accused further admitted that he secured his loaded firearm on his person prior to entering the Jackson Arms Shooting Range and intended to enter the facility in order to do some "hip shooting."

(34) On April 13, 2008, the accused, who is employed as a Patrol Special Officer and is not a sworn member of the San Francisco Police Department, falsely identified himself as a member of the San Francisco Police Department on three different occasions to three different people. Specifically, the accused falsely represented, to Danny Nguyen, Mrs. Liza Normandy and Lt. Normandy, that he was a member of the San Francisco Police Department, assigned Northern Station. The accused engaged in conduct which violates the standards of the Department and the Rules and Procedures for Patrol Special Officers and Their Assistants. Any reasonable Patrol Special Officer must know that such conduct is cause for discipline or dismissal from employment; such conduct violates Rule 3.18 of the Rules and Procedures for Patrol Special Officers and Their Assistants, which states:

"PEACE OFFICER STATUS

Patrol Specials and Assistant Patrol Specials shall not represent that they exercise peace officer powers."

SPECIFICATION NO. 2

Entering a facility outside the jurisdiction of San Francisco, while off-duty and carrying a concealed weapon on his person, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 1.06(A) of the Rules and Procedures of Patrol Special Officers and Their Assistants).

(35) The allegations incorporated in Specification No. 1, paragraphs (1) through (34) are incorporated by reference as though fully set forth herein.

(36) On April 13, 2008, the accused, while off-duty, entered the Jackson Arms Shooting Range, wearing a jacket which concealed a loaded firearm that was attached to his pants belt. When interviewed by the Management Control Division, both Mrs. Normandy and Danny Nguyen described the accused as wearing a jacket that concealed the loaded firearm. It wasn't until the accused entered the "Hot Box" (shooting area) of the Jackson Arms Shooting Range that Danny Nguyen noticed the accused was wearing a firearm. The accused engaged in conduct violates the standards of the Department and the Rules and Procedures for Patrol Special Officers and Their Assistants. Any reasonable Patrol Special Officer must know that such conduct is cause for discipline or dismissal from employment; such conduct violates Rule 1.06(A) of the Rules and Procedures for Patrol Special Officers and Their Assistants, which states:

"FIREARMS

A. Patrol Specials are authorized to carry a loaded firearm while on duty in uniform, or en route to or from being on duty, if they comply with all training and other provisions within Penal Code Section 12031©)(1)."

SPECIFICATION NO. 3

Acting in a Rude and Discourteous manner, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 4.09 of the Rules and Procedures of Patrol Special Officers and Their Assistants and Rule 14 of Department General Order 2.01 of the San Francisco Police Department).

(37) The allegations incorporated in Specifications No. 1 and 2, paragraphs (1) through (36) are incorporated by reference as though fully set forth herein.

(38) The accused, when questioned on three different occasions at the Jackson Arms Shooting Range on April 13, 2008, was rude, discourteous and disrespectful. Danny Nguyen described the accused as "intolerable and confrontational." Mrs. Normandy described the accused as being "disrespectful, persistent and intolerable." Furthermore, in his written police report. Lieutenant Normandy described the accused as "less than truthful and willfully evasive" and stated that he was very disrespectful and should have been booked. The accused engaged in conduct which violates the standards of the Department and the Rules and Procedures for Patrol Special Officers and Their Assistants. Any reasonable Patrol Special Officer must know that such conduct is cause for discipline or dismissal from employment; such conduct violates Rule 4.09 of the Rules and Procedures for Patrol Special Officers and Their Assistants and Rule 14 of Department General Order 2.01 of the San Francisco Police Department[1], which states:

"Rule 4.09 of the Rules and Procedures for Patrol Special Officers and Their Assistants:

CONDUCT TOWARD THE PUBLIC:

Patrol Specials and Assistant Patrol Specials shall, in the performance of their services, be polite, civil and orderly in conduct and deportment, maintain patient decorum and command of temper and refrain from the use of harsh, violent, coarse, profane or uncivil language; and shall, when requested, state their name, star number, and area of responsibility in a courteous manner.

Rule 14 of DGO 2.01 of the San Francisco Police Department:

PUBLIC COURTESY. When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language. Members shall also address the public using pronouns and titles of respect appropriate to the individual's gender identity as expressed by the individual. When requested, members shall promptly and politely provide their name, star number and assignment."

SPECIFICATION NO. 4

Carrying a concealed weapon without a license and carrying a loaded firearm in a public place, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department).

(39) The allegations incorporated in Specifications No. 1, 2, and 3, paragraphs (1) through (38) are incorporated by reference as though fully set forth herein.

(40) The accused entered the Jackson Arms Shooting Range, wearing a jacket which concealed a loaded firearm. The accused admitted that he does not have a permit to carry a concealed weapon and when questioned about his peace officer status, the accused falsely misrepresented himself as a member of the San Francisco Police Department on three separate

---

[1] Rule 3.12, subsection (b) of the Rules and Procedures for Patrol Special Officers and Their Assistants states, in regards to the discipline process, that Pursuant to these Rules and Procedures, Patrol Specials and their Assistants shall obey all written orders of the Department that are not clearly inapplicable to their respective assignments. Rule 14 of DGO 2.01 is clearly applicable.

occasions to three different people. Patrol Special Officers have no authority to carry a concealed weapon. Any reasonable Patrol Special Officer must know that such conduct is cause for discipline or dismissal from employment; such conduct violates Rule 9 of Department General Order 2.01, which states:

"MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct by an officer either within or without he state that tends to undermine the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

File No. JWA C09-039:

SPECIFICATION NO. 1

Knowingly accepting a new subscriber outside of one's assigned beat (a violation of Section 3.08 A of the Rules and Procedures for Patrol Special Officers and Their Assistants).

(1) At all times herein mentioned Hanley Chan, Star Number 2683, (referred to as "the Accused") was and is a Patrol Special Officer.

(2) Patrol Special Officers (PSOs) are defined as "A private patrol person, appointed by the Police Commission, who contracts to perform duties of a private nature for private persons or businesses within the geographical boundaries set forth by the Police Commission. A Patrol Special is the owner of a beat. A Patrol Special is responsible for knowing and obeying the rules and procedures of the Patrol Special Officers and Assistant Patrol Special Officers."

(3) All references to the Rules and Procedures for Patrol Special Officers and Their Assistants in this document are to the Rules adopted November 30, 1994, as amended November 10, 1999, which were in effect at all times relevant to the Specifications set forth herein.

(4) On or about November 6, 2008, the Accused met with Mary Molly Mullaney, the events manager at SOMARTS Cultural Center, which is located inside a beat owned by PSO Calvin Wiley. The Accused offered to provide security services for the SOMARTS Cultural Center for an event on or about November 22, 2008. He also stated that off-duty Police Officers would be providing the security.

(5) The Accused did provide security at the November 22, 2008 event but did not employ any off-duty Police Officers as promised. He also attended the event in person. The Accused never secured the permission of the beat owner, PSO Calvin Wiley, to do so.

(6) The Accused engaged in conduct which violates the standards of the Department and the Rules and Procedures for Patrol Specials and Their Assistants. Any reasonable Patrol Special Officer must know that such conduct is cause for discipline or dismissal from their position. Such conduct violates Section 3.08 A of the Rules and Procedures for Patrol Special Officers and Their Assistants, which states:

"Patrol Specials shall neither solicit nor accept new subscribers in areas outside the confines of their beat."

SPECIFICATION NO. 2

Listing a Police Station as one's place of business (a violation of Section 3.15 C of the Rules and Procedures for Patrol Special Officers and Their Assistants).

(7) The allegations incorporated in Specification No. 1, paragraphs (1) through (6) are incorporated herein by reference as though fully set forth herein.

(8) During his contacts with Ms. Mullaney at the SOMARTS Cultural Center, the Accused presented her with a business card that gave his name and star number, and stated "Assigned to Northern Station," "1125 Fillmore Street, San Francisco, CA 94115," "Station: 415 335-4047." This address is the true address of Northern Station, but the phone number rings directly to the Accused, not Northern Station.

(9) The Accused engaged in conduct which violates the standards of the Department and the Rules and Procedures for Patrol Specials and Their Assistants. Any reasonable Patrol Special Officer must know that such conduct is cause for discipline or dismissal from their position. Such conduct violates Section 3.15 C of the Rules and Procedures for Patrol Special Officers and Their Assistants, which states:

"Patrol Special Officers and their Assistants shall not list any police station or public facility, including but not limited to a Police District Station, as their place of business or as a location where they may be contacted."

SPECIFICATION NO. 3

Operating a private security or investigative business in conjunction with Patrol Special services (a violation of Section 3.16 of the Rules and Procedures for Patrol Special Officers and Their Assistants).

(10) The allegations incorporated in Specification No. 1, paragraphs (1) through (9) are incorporated herein by reference as though fully set forth herein.

(11) The Accused, throughout the dates mentioned in these Specifications, owned and operated a company called "Security Intelligence Specialists." This company maintained a website advertising security services, and listing the Accused's cell phone number as the phone number for the business. This company was also registered with the State of California as belonging to the Accused.

(12) The accused admits that he provided security services under the auspices of Security Intelligence Specialists at the November 22, 2008, event at the SOMARTS Cultural Center. He also admits to offering to provide security services under the auspices of Security Intelligence Specialists for a January 9, 2009 event at the United Irish Cultural Center (UICC).

(13) The Accused engaged in conduct which violates the standards of the Department and the Rules and Procedures for Patrol Specials and Their Assistants. Any reasonable Patrol Special Officer must know that such conduct is cause for discipline or dismissal from their position. Such conduct violates Section 3.16 of the Rules and Procedures for Patrol Special Officers and Their Assistants, which states:

"Patrol Specials and Assistants shall neither operate nor be employed by any private patrol or an investigative business in conjunction with Patrol Special services."

SPECIFICATION NO. 4

Representing oneself as a Police Officer (a violation of Section 3.18 of the Rules and Procedures for Patrol Special Officers and Their Assistants).

(14) The allegations incorporated in Specification No. 1, paragraphs (1) through (13) are incorporated herein by reference as though fully set forth herein.

(15) Between December 18, 2008, and January 9, 2009, Teresa Moore of the UICC met with the Accused with respect to providing security services for an event on January 18, 2009. The Accused presented her with a business card stating that he was with Security Intelligence Specialists, and stated that he was an off-duty Police Officer. He also stated that security would be provided by other off-duty Police Officers.

(16) Ms. Moore subsequently contacted the Park and Taraval Stations, and learned that the Accused was a Patrol Special Officer, not a Police Officer. She cancelled the January 18, 2009 event as a result.

(17) Ms. Moore met with the Accused on or about January 15, 2009 to advise him that the January 9 event was cancelled. She told the Accused that he was not an off-duty Police Officer, but he again insisted that he was. After continued questioning by Ms. Moore, the Accused stated that he was a "special officer," and again insisted that he was an off-duty Police Officer.

(18) The Accused engaged in conduct which violates the standards of the Department and the Rules and Procedures for Patrol Specials and Their Assistants. Any reasonable Patrol Special Officer must know that such conduct is cause for discipline or dismissal from their position. Such conduct violates Section 3.18 of the Rules and Procedures for Patrol Special Officers and Their Assistants, which states:

"Patrol Specials and Assistants shall not represent that they exercise peace officer powers."

SPECIFICATION NO. 5

Working a second security job outside the confines of one's beat while on duty (a violation of Section 4.11 of the Rules and Procedures for Patrol Special Officers and Their Assistants).

(19) The allegations incorporated in Specification No. 1, paragraphs (1) through (18) are incorporated herein by reference as though fully set forth herein.

(20) The Accused attended the November 22, 2008, event at the SOMARTS Cultural Center, while his security company was providing security. That event took place outside of his beat. The Accused was also on-duty on his beat at the same time that he attended the SOMARTS Cultural Center event.

(21) The accused engaged in conduct which violates the standards of the Department and the Rules and Procedures for Patrol Specials and Their Assistants. Any reasonable Patrol Special Officer must know that such conduct is cause for discipline or dismissal from their position. Such conduct violates Section 4.11 of the Rules and Procedures for Patrol Special Officers and Their Assistants, which states:

"Patrol Specials and Assistants shall patrol their subscribers' locations with their beat constantly and diligently within the limits of their contractual obligations."

SPECIFICATION NO. 6

Failure to truthfully answer questions posed by a police officer during an investigation (a violation of Section 4.04 of the Rules and Procedures for Patrol Special Officers and Their Assistants).

(22) The allegations incorporated in Specification No. 1, paragraphs (1) through (21) are incorporated herein by reference as though fully set forth herein.

(23) When interviewed during the investigation of this matter, the Accused denied that he told Ms. Mullaney and Ms. Moore that security would be provided by off-duty Police Officers. Both witnesses state that he did.

(24) When interviewed during the investigation of this matter, the Accused denied that he told Ms. Moore that he was a Police Officer. Ms. Moore states that he did.

(25) The Accused engaged in conduct which violates the standards of the Department and the Rules and Procedures for Patrol Specials and Their Assistants. Any reasonable Patrol Special Officer must know that such conduct is cause for discipline or dismissal from their position. Such conduct violates Section 4.04 of the Rules and Procedures for Patrol Special Officer and Their Assistants, which states:

"Patrol Specials and Assistants shall, when called upon by a police officer or by one specifically assigned by lawful authority to conduct an investigation involving a police matter, truthfully answer all questions propounded. All reports, statements and declarations made orally or in writing in the foregoing matters shall contain truth without evasion."

File No. ALW C09-070:

SPECIFICATION NO. 1

Modifying his personal vehicles to give the impression that the cars were official law enforcement vehicles, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 5.07 of the Rules and Procedures for Patrol Special Officers and Their Assistants).

(1) At all times herein mentioned Hanley Chan, Star Number 2683, (Referred to as "the accused") was and is a Patrol Special Officer, currently suspended by the Department.

(2) Patrol Special Officers are defined as "A private patrol person, appointed by the Police Commission, who contracts to perform security duties of a private nature for private persons or businesses within the geographical boundaries set forth by the Police Commission. A Patrol Special is the owner of a beat. A Patrol Special is responsible for knowing and obeying the rules and procedures of the Patrol Special Officers and Assistant Patrol Special Officers."

(3) On Thursday, March 5, 2009, Lieutenant Curtis Lum #2128 and Officer Gasanyan #4224 of the Youth Services Unit responded to the residence of the accused to serve him with a Chief's Order in connection with MCD case number C036-09.

(4) There was no answer to repeated knocks at the door and Lt. Lum and Officer Gasanyan were unable to locate the accused. However, they did see a grey Ford Taurus, with California license plate number 5ETU923 attached, parked in the accused's driveway.

(5) While walking by the vehicle, they observed a laminated placard attached to the front dashboard of the vehicle. The placard read: "San Francisco Police Department Authorized Vehicles Official Use Only." The placard had a picture of the seal of the City and County of San Francisco and a picture of a Patrol Special patch on the front.

(6) In addition to the placard being visible to anyone who walked by the Ford Taurus, there was a "Hot Sheet" dated June 20, 2007, taped to the passenger side dashboard. In the rear dashboard area was a Patrol Special cap with the emblem facing outward towards the rear window and on the backseat was a Patrol Special jacket with the patches exposed and a police-type handheld radio in the pocket.

(7) Lt. Lum returned to the Youth Services Unit and reviewed the annual update form that the accused was required to fill out on October 21, 2008.

(8) The annual update form requires all Patrol Special Officers to list the vehicles used for their patrol special duties.

(9) The accused listed a BMW and a Mercedes Benz on the form but did not list the Ford Taurus with California plates 5ETU923 that was parked in the accused's driveway.

(10) On Friday, March 6, 2009, Lt. Lum and Officer Gasanyan responded to the accused's residence a second time in an attempt to serve the Chief's order. There was no answer at the front door.

(11) On this date, there was a different grey Ford Taurus parked in the driveway. This Ford Taurus had a California license plate of 5ZYG886.

(12) On the driver's side dashboard of this Ford Taurus, there was a laminated placard that stated, " San Francisco Police Department Authorized Vehicles Official Use Only." The placard had a picture of the City and County of San Francisco Seal and a picture of a San Francisco Patrol Special patch.

(13) In addition to the official San Francisco Police Department placard, there was a "Hot Sheet" dated September 1, 2006 taped to the passenger side dashboard. Furthermore, there was a laptop computer mounted to the center passenger side dashboard.

(14) Lt. Lum reviewed the accused's annual update form and noticed that the accused did not list his grey Ford Taurus with California license plates 5ZYG886, as a vehicle he uses in his employment as a Patrol Special Officer.

(15) On Tuesday, October 21, 2008, Patrol Special Officers and their Assistants had their semi-annual range re-qualification. Commander Tong, Officer Gasanyan, along with the accused and twenty-three other patrol special officers and their assistants were present for the re-qualification.

(16) Lt. Lum ordered the patrol special officers and their assistants to completely fill out the annual update form which requires them to lists all the vehicles used for their patrol special duties.

(17) The accused filled out the form listing his duty vehicles as his BMW and Mercedes Benz even though the accused only uses the BMW and Mercedes Benz to travel to and from his employment. The accused signed and dated the form, but did not list the grey Ford Taurus with California plates 5ETU923 or the grey Ford Taurus with California plates 5ZYG886.

(18) The accused owns a security company called Security Intelligence Specialist with a business address of 1335 Fairfax Avenue, #B, San Francisco, California, 94124. The business website of the accused's security company is www.sfpatrolspecpolice.com.

(19) A record's check for both grey Ford Taurus' shows the registered owner to be San Francisco Patrol Special Police with an address of 1335 Fairfax Avenue, #B, San Francisco, California, 94124, the same address as the accused's security business.

(20) The accused was interviewed by the Management Control Division of the San Francisco Police Department on March 31, 2009. When questioned about the origination of the laminated placard, the accused stated that he obtained the placard some time in year 2003 or 2004 from an officer assigned to Ingleside Station. The accused stated that he used the placard to park his vehicle at Ingleside Station while he worked there. According

to the accused, the placards have been in the vehicles since the year 2003 or 2004.

(21) On March 5, 2009 and March 6, 2009, Lt. Lum observed two different grey Ford Taurus' with a laminated placard that read, "San Francisco Police Department Authorized Vehicles Official Use Only." On march 5, 2009, the placard was observed in the grey Ford Taurus with California plates 5ETU923 and on March 6, 2009, the same placard was seen in a different grey Ford Taurus with California plates 5ZYG866. The accused by modifying his personal vehicles to give the impression that the cars were official law enforcement vehicles engaged in conduct which violates the standards of the Department and the Rules and Procedures for Patrol Special Officers and Their Assistants. Any reasonable Patrol Special Officer must know that such conduct is cause for discipline or dismissal from employment. Such conduct violates Rule 5.07 of the Rules and Procedures for Patrol Special Officers and Their Assistants which states:

"VEHICLE MODIFICATION.

Patrol Specials and Assistant Patrol Specials shall not alter any duty vehicle in any way to allow it to be mistaken for an official law enforcement vehicle, and:

A. Shall obtain the approval of the Chief of Police before modifying the color scheme of any duty vehicle or placing any lettering, emblems, or decals thereon.

B. Shall not equip any duty vehicle with any additional emergency lighting equipment or any siren."

SPECIFICATION NO. 2

Being in possession of "Hot Sheets" printouts, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 4.23 of the Rules and Procedures for Patrol Special Officers and Their Assistants).

(22) The allegations incorporated in Specification No. 1, paragraphs (1) through (21) are incorporated by reference as though fully set forth herein.

(23) On March 5, 2009 and March 6, 2009, Lt. Lum and Officer Gasanyan both observed two different "Hot Sheets" with different dates in two different grey Ford Taurus' belonging to the accused. One "Hot Sheet" was dated June 20, 2007 and another "Hot Sheet" was dated September 1, 2006. Both had been taped to the dashboards in each of the accused's vehicles.

(24) During his Management Control Division interview, the accused admitted that he attached both "Hot Sheets" to the front passenger console of both his Ford Taurus vehicles. According to the accused, he obtained the "Hot Sheets" from a desk inside Northern Station and placed them in his vehicles in order to look for stolen vehicles while on duty as a Patrol Special Officer.

(25) When questioned about his use of "outdated Hot Sheets," the accused said that he used the "Hot Sheets" in 2006 to look for stolen cars while on duty in 2006. The accused further stated that he was unaware that he could not have access to CLETS, CABLE or Department computer terminals or files, and that he did not consider the "Hot Sheets" to be CLETS material.

(26) On March 5, 2009 and March 6, 2009, Lt. Lum and Officer Gasanyan observed two different "Hot Sheets" in both of the accused's grey Ford Taurus'. The accused, by being in possession of "Hot Sheets," which he mounted to the dashboard of both his cars, along with SFPD placards, modified his personal vehicles to give the impression that the cars were official law enforcement vehicles. The accused, by being in possession of "Hot Sheets" engaged in conduct which violates the standards of the

Department and the Rules and Procedures for Patrol Special Officers and Their Assistants. Any reasonable Patrol Special Officer must know that such conduct is cause for discipline or dismissal from employment. Such conduct violates Rule 4.23 of the Rules and Procedures for Patrol Special Officers and their Assistants which states:

"ACCESS T INFORMATION:

The use of facilities does not include the use of direct access to CLETS, CABLE or Department computer terminals or any criminal files."

SPECIFICATION NO. 3

Failing to strictly obey and promptly execute the lawful orders of a police officer, conduct which undermines the good order, efficiency and discipline of the Department and which brings discredit on the Department (a violation of Rule 4.03 of the Rules and Procedures for Patrol Special Officers and Their Assistants).

(27) The allegations incorporated in Specification No. 1 and Specification No. 2, paragraphs (1) through (26) are incorporated by reference as though fully set forth herein.

(28) On October 21, 2008, the accused was ordered to complete his annual update form. The accused was required to list all vehicles used for his patrol special duties.

(29) The accused filled out the form and listed two vehicles: his BMW and Mercedes Benz. The accused did not list either of his grey Ford Taurus.

(30) When the accused was questioned about this omission during his Management Control Division interview, the accused stated that he was aware of the fact that he was required to list all vehicles that would be used in the performance of his duties. The accused further admitted that he uses both grey Ford Taurus' in the performance of his patrol special duties.

(31) The accused stated that the reason he did not list both grey Ford Taurus' is due to the fact he has an on-going case with the Management Control Division and the form itself did not have enough space on it with which to list two additional vehicles.

(32) On October 21, 2008, the accused was given a direct order to list all vehicles used in the performance of his duties as a patrol special officer. This direct order was given by Lieutenant Curtis Lum #2128, a sworn member of the San Francisco Police Department. The accused, by failing to strictly obey and promptly execute Lt. Lum's lawful order regarding filling out the annual update form, engaged in conduct which violates the standards of the Department and the Rules and Procedures for Patrol Special Officers and Their Assistants. Any reasonable Patrol Special Officer must know that such conduct is cause for discipline or dismissal from employment. Such conduct violates Rule 4.03 of the Rules and Procedures for Patrol Special Officers and their Assistants which states:

"ORDERS OF POLICE OFFICERS.

Patrol Specials and Assistant Patrol Specials shall strictly obey and promptly execute the lawful orders of police officers."

SPECIFICATION NO. 4

Engaging in conduct which undermines the good order, efficiency and discipline of the Department and which brings discredit on the Department (a violation of Rule 4.20 of the Rules and Procedures for Patrol Special Officers and Their Assistants).

(33) The allegations incorporated in Specification numbers 1, 2, and 3, paragraphs (1) through (32) are incorporated by reference as though fully set forth herein.

(34) The accused registered both his grey Ford Taurus' with the California Department of Motor Vehicles using the registered owner name of "SF Patrol Special Police" however, the accused never sought, nor was he granted permission by the Department or Police Commission to register his vehicles in this manner.

(35) The accused registered his grey Ford Taurus' with the California Department of Motor Vehicles but did not register the vehicles with the Department despite being ordered to do so. This deliberate omission couples with the visible SFPD placard, and "Hot Sheets" is conduct which violates the standards of the Department and the Rules and Procedures for Patrol Special Officers and Their Assistants. Any reasonable Patrol Special Officer must know that such conduct is cause for discipline or dismissal from employment. Such conduct violates Rule 4.20 of the Rules and Procedures for Patrol Special Officers and Their Assistants, which states:

"CONDUCT.

Any conduct by a Patrol Special Officer or an Assistant while on patrol which constitutes a breach of the peace or a failure to perform his or her contractual duties, or any conduct by a Patrol Special or Assistant Patrol Special while working which undermines his or her ability to discharge contractual duties which reflects discredit upon the Department (though such offense are not specifically defined or laid down in these rules and procedures) shall be considered misconduct subjecting the Patrol Special or Assistant Patrol Special to disciplinary action as herein set forth."

File No. ALW C09-120:

SPECIFICATION NO. 1

Displaying his Duty Weapon and Department Issued Patrol Special Officer Star while Off-Duty at a Firing Range, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 5.06 of the Rules and Procedures for Patrol Special Officers and Their Assistants).

(1) At all times herein mentioned Hanley Chan, Star Number 2683, (Referred to as "the accused") was and is a Patrol Special Officer, currently suspended by the Department.

(2) Patrol Special Officers are defined as "A private patrol person, appointed by the Police Commission, who contracts to perform security duties of a private nature for private persons or businesses within the geographical boundaries set forth by the Police Commission. A Patrol Special is the owner of a beat. A Patrol Special is responsible for knowing and obeying the rules and procedures of the Patrol Special Officers and Assistant Patrol Special Officers." (See *Interim Rules and Procedures for Patrol Special Officers and Their Assistants, Adopted by the San Francisco Police Commission December 10, 2008).*

(3) On Thursday, April 20, 2009, Mr. Gregory Love, Chief of Police of the Broadmoor Police Department (hereinafter "Chief Love") contacted the Management Control Division of the San Francisco Police Department regarding the accused's conduct.

(4) Chief Love expressed that he had on-going problem with the accused and the accused's most recent conduct regarding an appointment the accused applied for and a current election the accused is involved in.

(5) According to Chief Love, the accused interviewed for an open position on the Broadmoor Police Commission. Someone other than the accused was hired and the accused was upset by the decision not to hire him.

(6) Shortly after being denied a position on the Broadmoor Police Commission, the accused decided to run for one of two vacant positions on the Broadmoor Police Commission. The accused actively campaigned for the position and passed out business card advertising his campaign.

(7) Chief Love was subsequently contacted by a member of the Daly City Council who expressed concern regarding business cards the accused was using in his campaign for the vacant seat on the Broadmoor Police Commission.

(8) According to the member of the Daly City Council, the accused gave her a campaign card at a fundraiser and after reading the card, she felt the cards were misleading.

(9) The card displayed the accused's name written on the top with large bold-faced, block letters. (Approximately 22-26 point fonts similar to the word typed here **HANLEY**) centered directly below his name were the words "Broadmoor Police Commission in approximately 12 point font. Just below this, in significantly smaller font were the words hanley@voteforhanleychan.com-www.voteforhanleychan.com. (The actual font appears to be hanley@voteforhanleychan.com) which is 9 point font.

(10) The most visible portion of the campaign cards were the accused's name and Broadmoor Police Commission which easily gave the impression that the accused was already a member of the Broadmoor Police Commission.

(11) Chief Love and the Daly City Council member felt the cards were misleading and meant to deceive the public. As such, Chief Love also contacted the San Mateo District Attorney's Office regarding possible fraudulent behavior by the accused. This matter is still pending with the San Mateo District Attorney's Office.

(12) Chief Love conducted a basic computer search of the accused using an internet search engine. That search revealed several photographs and two videos of the accused that caused him great concern.

(13) In several of the photographs, the accused is shown with rifles and other assault-type weapons. The photographs appear to have been taken at a private party and show the accused with five other men posing with these weapons.

(14) Chief Love stated that in one of the videos he viewed on the internet, the accused is shown shooting an assault-type weapon at an outdoor shooting range.

(15) The accused is clearly visible on the video and can be heard describing a process known as "bump fire." Bump fire is a process where the shooter can manipulate an assault rifle to shoot in rapid fire mode.

(16) In one of the videos, the accused can be seen wearing his Department - issued Patrol Special Officer Star on the belt loop of his pants and next to his star, is his duty weapon in his holster. The accused is also wearing a dark blue t-shirt with the San Francisco Patrol Special Patch on the left breast.

(17) On May 1, 2009, the assigned Management Control Division Investigator ran an internet search on the accused using the Google search engine.

(18) The search located both videos on the accused's MySpace account. This account is accessible by the public and the video can be viewed by anyone with access to the internet.

(19) On May 21, 2009, the accused was interviewed by the Management Control Division.

(20) During his interview, the accused admitted he was the person depicted in the videos. The accused stated that he was off-duty at the time and the videos were shot by a friend at a shooting range in Los Angeles, California in 2006.

(21) The accused admitted that he was wearing his Department issued Patrol Special Officer Star and his duty weapon while at the range while the video was being filmed.

(22) The accused further stated that his handgun is registered to him and that he possesses a guard card and license to carry the handgun. The accused stated that he was not aware of any Department policy that prohibited him from carrying his duty weapon while off-duty.

(23) The accused, by actively participating in a video that is accessible to the public and shows him shooting an assault-type weapon while off-duty and wearing his Department issued Patrol Special Officer Star and duty weapon, engaged in conduct which violates Rule 5.06 of the Rules and Procedures for Patrol Special Officers and Their Assistants. Any reasonable Patrol Special Officer must know that such conduct is cause for discipline or revocation of his appointment. Rule 5.06 of the Rules and Procedures for Patrol Special Officers and Their Assistants states:

"UNIFORM AND EQUIPMENT ITEMS DISPLAY OFF DUTY.

Patrol Specials and Assistant Patrol Specials shall not wear or use any uniform or equipment item, including weapons, except en route to and from their beats, and while on-duty as a Patrol Special Officer or Assistant Patrol Special Officer in the City and County of San Francisco."

File No. ALW C09-152:

SPECIFICATION NO. 1

Failure to Provide Residence Address to the Department (a violation of Rules 4.16 of the Rules and Procedures for Patrol Specials and Their Assistants).

1) At all times herein mentioned Hanley Chan, Star Number 2683, was and is a Patrol Special Officer (hereinafter referred to as a "PSO") subject to the Rules and Procedures for Patrol Specials and Their Assistants (hereinafter referred to as the "Rules") issued by the San Francisco Police Commission (hereinafter referred to as the "Commission"). At all times herein mentioned, PSO Chan was suspended from his duties as a Patrol Special Officer pursuant to Rule 3.12 E.

(2) As a PSO, Chan was and is responsible for knowing and obeying the Rules issued by the Commission, even when he was suspended.

(3) At all times herein mentioned, PSO Chan was supervised by Lieutenant Curtis Lum #2128, the Program Administrator for the Patrol Special Program. Lieutenant Lum was a sworn member of the San Francisco Police Department (hereinafter referred to as the "Department") at all times herein mentioned.

(4) The allegations incorporated in paragraphs (1) through (3) are incorporated by reference as though fully set forth herein.

(5) In April, 2009, Lieutenant Lum became aware that PSO Chan was running for election to the Police Commission in Broadmoor, California. This caused Lieutenant Lum to believe that PSO Chan had moved, but had failed to properly notify the Department of his new home address.

(6) On April 17, 2009, Lieutenant Lum was speaking to PSO Chan in Lieutenant Lum's office. During the conversation, Lieutenant Lum asked PSO Chan if he had recently moved. PSO Chan replied that he had. Lieutenant Lum then gave PSO Chan an address update form, and instructed PSO Chan to fill it out and return it, which PSO Chan said he would do.

(7) Approximately three weeks later, Lieutenant Lum had not yet received the address update form. He called PSO Chan's attorney, Lou Silver, and asked him to tell PSO Chan to return the form immediately.

(8) On or about May 16, 2009, Lieutenant Lum received an update form from PSO Chan dated March 28, 2009, but postmarked May 16, 2009. The form listed PSO Chan's home address as 32 Moonlight Court, South San Francisco, California, 94080. This was the same home address that Chan had given to the Department prior to his conversation with Lieutenant Lum on April 17,2 009. For this reason, it did not appear that PSO Chan had given the Department his new address. The form also listed a separate mailing address of 1355 Fairfax Avenue #B, San Francisco, California, 94124. It failed to list any addresses in Broadmoor, California, nor did it list the license plate numbers for PSO Chan's on-duty vehicles, his home phone number, his social security number, nor his email, as required.

(9) Given these discrepancies, Lieutenant Lum tried to contact PSO Chan to determine his true home address. From May 19 through June 4, Lieutenant Lum called PSO Chan eleven times at three different phone numbers, including the one number listed on the May 16, 2009 contact form. On each occasion, he left messages directing PSO Chan to call him back about the address issue.

(10) On May 26, 2009, Lieutenant Lum sent PSO Chan an email to his last known email address asking him to confirm his current home address.

(11) On June 3, 2009, Lieutenant Lum sent a certified letter to PSO Chan at his Fairfax Avenue address directing PSO Chan to contact Lieutenant Lum to confirm his current home address and to confirm if the Moonlight Court address was correct. In the letter, he reminded PSO Chan that Rule 4.16 required him to update his new address with the Department within 24 hours of the change.

(12) On June 5, 2009, PSO Chan replied to Lieutenant Lum's email of May 26, 2009, stating that he "still use(s) that address ..." but not specifying which address he was referring to. Lieutenant Lum sent a reply email that same day to PSO Chan directing him to clearly state his home address, and reminding PSO Chan of his obligation to inform the Department about his change of address within 24 hours of the change, but received no response.

(13) The Post Office returned a Return Receipt for Lieutenant Lum's letter of June 3 showing that delivery was confirmed on June 6, 2009.

(14) On June 12, 2009, Lieutenant Lum went to the Fairfax Avenue address, but found that it was the business office of Crime Watch and San Francisco Fire Prevention, both of which organizations denied affiliation with PSO Chan.

(15) Lieutenant Lum then traveled on or about June 12, 2009 to the Broadmoor, California, Police Department, where Police Chief Gregory Love told Lieutenant Lum that PSO Chan lived at 7800 El Camino #3103 in Broadmoor. This was an address that PSO Chan had never previously provided to the Department. Lieutenant Lum tried to find PSO Chan at that address that day, but was unsuccessful.

(16) Lieutenant Lum never received a reply to his letter of June 3, 2009, nor a direct answer to his emails. He has never received any update forms

indicating the new home address PSO Chan referred to in his April 17, 2009 meeting with Lieutenant Lum.

(17) On July 10, 2009, PSO Chan was interviewed in this matter by the Management Control Division (hereinafter referred to as "MCD"). He stated that he decided to not give his new address to Lieutenant Lum because he decided that he was not required to do so. He also claimed that he was then living at both the El Camino address in Broadmoor, and also the Moonlight Court address in South San Francisco.

(18) Any reasonable PSO must know that these actions and omissions would be cause for discipline or termination from appointment as a Patrol Special Officer. Such conduct is Conduct Unbecoming an Officer in violation of Rule 4.16 of the Rules, which states:

"CHANGE OF ADDRESS/TELEPHONE NUMBER. Shall report in writing to the Secretary of the Police Commission and to the Program Administrator any change of residence, new address and/or telephone numbers, to include business and pager numbers of the Patrol Special Officer and all Assistants, within twenty-four (24) hours after the change has been made. This information is confidential and will be used for official purposes only."

SPECIFICATION NO. 2

Failure to Obey and Promptly Execute the Lawful Orders of a Police Officer (a violation of Rule 4.03 of the Rules and Procedures for Patrol Specials and Their Assistants).

(19) The allegations incorporated in paragraphs (1) through (18) above, are incorporated by reference as though fully set forth herein.

(20) By failing to complete and properly update his home address with the Department as instructed by Lieutenant Lum on April 17, May 26, June 3, and June 5, 2009, PSO Chan failed to promptly execute the orders of a police office. Moreover, as indicated in his interview with MCD, PSO Chan consciously chose to withhold his new home address in Broadmoor from Lieutenant Lum, the Patrol Special Program Administrator, despite being ordered to provide it.

(21) Any reasonable PSO must know that these actions and omissions would constitute insubordination and failure to follow orders, and would be cause for discipline or termination from appointment as a Patrol Special Officer. Such conduct is Conduct Unbecoming an Officer, a violation of Rule 4.03 of the Rules, which states:

"ORDERS OF POLICE OFFICERS. Patrol Specials and Assistant Patrol Specials shall strictly obey and promptly execute the lawful orders of police officers."

PENALTIES:

(22) If the Specification are sustained after trial by the Police Commission, the penalty is up to and including termination from appointment as a Patrol Special Officer.

File No. ALW C09-192:

SPECIFICATION NO. 1

Displaying a Personal Photograph While in Uniform on a Political Website, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 5.06 of the Rules and Procedures for Patrol Special Officers and Their Assistants).

(1) At all times herein mentioned Hanley Chan, Star Number 2683, (referred to as "the accused") was and is a Patrol Special Officer in the City and County of San Francisco. The accused is currently suspended by the Department from engaging in any patrol special duties.

(2) Patrol Special Officers are defined as "A private patrol person, appointed by the Police Commission, who contracts to perform security duties of a private nature for private persons or businesses within the geographical boundaries set forth by the Police Commission. A Patrol Special is the owner of a beat. A Patrol Special is responsible for knowing and obeying the rules and procedures of the Patrol Special Officers and Assistant Patrol Special Officers." (See *Interim Rules and Procedures for Patrol Special Officers and Their Assistants, Adopted by the San Francisco Police Commission December 10, 2008*).

(3) On Friday, August 14, 2009, Mr. Gregory Love, Chief of Police of the Broadmoor Police Department (hereinafter "Chief Love") contacted Lieutenant Curtis Lum #2128 of the San Francisco Police Department and informed him that the accused had posted a photo of himself, in uniform, on a political website.

(4) The website, www.voteforhanleychan.com is a political website being use to support the accused's candidacy for Commissioner on the City of Broadmoor's Police Commission.

(5) On August 14, 2009, the website clearly showed the accused wearing his San Francisco Patrol Special Uniform, including his patch and six-point star. The color photograph extends across the entire top portion of the website. Next to the color photograph it reads, "Hanley Chan for Broadmoor Police Commission."

(6) The website provides a brief biography of the accused's personal history and work experience. The words, "Patrol Special Hanley Chan" appear at the bottom of the website.

(7) On September 2, 2009, the accused was interviewed by the Management Control Division.

(8) During his interview, the accused admitted he was the person depicted in the photograph. The accused stated that the photograph was taken approximately six years ago while he was off-duty.

(9) According to the accused, the picture was "photo shopped" to make it appear as if he was standing above the skyline of Daly City.

(10) During his interview, the accused said that the photograph referenced above was one of several photographs he provided to his brother in order to create a website for him.

(11) The accused authorized his brother to create the website but did not authorize him to use a picture of him in his Patrol Special uniform on the website.

(12) The accused admitted during his Management Control Division interview, that when he saw the photo of himself in uniform on his political website, he knew it was a violation of the Rules and Procedures for Patrol Special Officers and their Assistants. According to the accused, he requested that his webmaster remove the photograph from the website.

(13) On September 2, 2009, a review of the website revealed the same photograph of the accused in his uniform. However, the San Francisco patch and star are now blurred out.

(14) The accused, by displaying a personal photograph on a political website, which depicts him in uniform and clearly shows his San Francisco Patch and star, engaged in conduct which violates Rule 5.06 of the Rules and

Procedures for Patrol Special Officers and Their Assistants. Any reasonable Patrol Special Officer must know that such conduct is cause for discipline or revocation of his appointment. Rule 5.06 of the Rules and Procedures for Patrol Special Officers and their Assistants states:

"UNIFORM AND EQUIPMENT ITEMS DISPLAY OFF DUTY.

Patrol Specials and Assistant Patrol Specials shall not wear or use any uniform or equipment item, including weapons, except en route to and from their beats, and while on-duty as a Patrol Special Officer or Assistant Patrol Special Officer in the City and County of San Francisco."

PENALTIES:

(15) The accused currently has five separate Police Commission charges pending before the Police Commission. The Department requests that all of the accused's matters be consolidated in one proceeding. If found guilty after trial and hearing by the Police Commission, the recommended penalty is revocation of the accused's appointment.

File No. ALW C09-193:

SPECIFICATION NO. 1

Failure to Provide a Client List and List of Fees Charged, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 4.15 of the Rules and Procedures for Patrol Special Officers and Their Assistants).

(1) At all times herein mentioned Hanley Chan, Star Number 2683, (referred to as "the accused") was and is a Patrol Special Officer in the City and County of San Francisco. The accused is currently suspended by the Department from engaging in any patrol special duties.

(2) Patrol Special Officers are defined as "A private patrol person, appointed by the Police Commission, who contracts to perform security duties of a private nature for private persons or businesses within the geographical boundaries set forth by the Police Commission. A Patrol Special is the owner of a beat. A Patrol Special is responsible for knowing and obeying the rules and procedures of the Patrol Special Officers and Assistant Patrol Special Officers." (See *Interim Rules and Procedures for Patrol Special Officers and Their Assistants, Adopted by the San Francisco Police Commission December 10, 2008.*)

(3) On Friday, January 9, 2009, Lieutenant Curtis Lum #2128 sent a copy of the Interim Rules and Procedures for Patrol Special Officers and their Assistants to the accused.

(4) Lt. Lum also sent the accused a letter which stated that the accused, "shall also send a complete list of fees charged to each client in the prior quarter of the Police Commission."

(5) On March 13, 2009, Lt. Lum sent the accused a second letter, dated March 12, 2009, directing him to comply with Rule 4.15 of the *Interim Rules and Procedures for Patrol Special Officers and Their Assistants, Adopted by the San Francisco Police Commission December 10, 2008.*

(6) The letter, dated March 12, 2009 specifically stated, "Per rule 4.15, Record of Clients, you are required to submit to the Police Commission: (1) A complete list of the clients on their beat, and (2) A complete list of fees charged to each client in the prior quarter."

(7) The letter also informed the accused that he was (1) not in compliance with this requirement, (2) that the items were now overdue, (3) that the items should be sent immediately to the Police Commission, (4) and failure to do so would result in administrative action.

(8) On May 28, 2009, Lt. Lum sent the accused a third letter dated May 27, 2009. This letter was signed by Deputy Chief Kevin Cashman, Commanding Officer of the Field Operations Bureau and sent via certified mail.

(9) The letter, dated may 27, 2009, was specifically addressed to the accused and ordered the accused to provide a complete client list and record of fees within 72 hours of receipt of the letter.

(10) Included in this letter was the following language:

"If you do not provide a complete client list and record of fees within 72 hours of receipt of this letter, corrective action under Section 3.12 of the Interim Rules will be initiated. Under that section, corrective action may include reprimand, fine or referral by charges to the Commission for possible suspension or revocation of appointment."

(11) The certified letter, addressed to the accused, was signed for and received on May 29, 2009.

(12) On August 13, 2009, Lt. Lum interviewed the accused regarding his failure to comply with Rules 4.03 and 4.15 of the *Interim Rules and Procedures for Patrol Special Officers and Their Assistants, Adopted by the San Francisco Police Commission December 10, 2008.*

(13) During this interview the accused admitted that he received the letters dated January 9, 2009, and March 12, 2009 but denied receiving the letter dated May 27, 2009.

(14) Lt. Lum specifically asked the accused if he received the letter dated January 9, 2009 and if complied with the directive in the letter. The accused admitted that he received the letter and that he had not complied with the directive from Lt. Lum.

(15) Lt. Lum specifically asked the accused if he received the letter dated March 12, 2009 and if he complied with the directive in the letter. The accused admitted that he received the letter and that he had not complied with the directive from Lt. Lum.

(16) Lt. Lum specifically asked the accused if he received the letter dated May 27, 2009 and if he complied with the directive in the letter. The accused replied by stating, "I don't believe I received that one."

(17) Lt. Lum showed the accused the signed certified mail receipt dated May 29, 2009 and the accused still maintained that he had not seen the letter dated May 27, 2009.

(18) Lt. Lum asked the accused repeatedly during the interview if he intended to comply with Rule 4.15. The accused stated that he was not going to violate his clients' constitutional rights and that they did not want their information divulged due to privacy issues. The accused repeatedly stated throughout the interview that he would not violate his clients' rights by divulging the information.

(19) The accused, by refusing to provide a complete list of clients on his beats and a complete list of fees charged to each client in the prior quarter, engaged in conduct which violates Rule 4.15 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants. Any reasonable Patrol Special Officer must know that such conduct is cause for discipline or revocation of his appointment. Rule 4.15 of the Rules and Procedures for Patrol Special Officers and their Assistants states:

"RECORD OF CLIENTS. Within 30 days after adoption of these Interim Rules and annually thereafter no later than January 31st of each year, Patrol Specials shall submit to the Police Commission: (1) a complete list of clients on their beats, and (2) a complete list of fees charged to each

client in the prior quarter. Notification in writing shall be made to the Police Commission of any additions or deletions of subscribers within their beats. Notification shall include the subscriber's name, address and telephone number. This information is confidential and will be used for official purposes only."

SPECIFICATION NO. 2

Failure to Obey the Lawful Order of a Police Officer, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 4.03 of the Rules and Procedures for Patrol Special Officers and Their Assistants).

(20) Each allegation incorporated in Specification No. 1, paragraphs (1) through (19) is incorporated by reference as though fully set forth herein.

(21) The accused was sent three letters directing him to comply with the requirements of Rule 4.15 of the *Interim Rules and Procedures for Patrol Special Officers and Their Assistants, Adopted by the San Francisco Police Commission December 10, 2008*. Two letters were sent by Lt. Lum and one letter was sent by Deputy Chief Kevin Cashman.

(22) The accused acknowledged receiving two letters sent by Lt. Lum. The third letter was sent via certified mail to the accused's address. The letter was signed for on May 29, 2009.

(23) The accused refused to comply with direct lawful orders, from Lt. Lum and Deputy Chief Cashman, and provide a complete list of clients and fees charged to those clients in the prior quarter.

(24) The accused, by refusing to provide a complete list of clients on his beats and a complete list of fees charged to each client in the prior quarter, engaged in conduct which violates Rule 4.03 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants. Any reasonable Patrol Special Officer must know that such conduct is cause for discipline or revocation of his appointment. Rule 4.03 of the Rules and Procedures for Patrol Special Officers and their Assistants states:

"ORDERS OF POLICE OFFICERS. Patrol Specials and Assistant Patrol Specials shall strictly obey and promptly execute the lawful orders of police officers."

PENALTIES:

(25) The accused currently has five separate Police Commission charges pending before the Police Commission. The Department requests that all of the accused's matters be consolidated in one proceeding. If found guilty after trial and hearing by the Police Commission, the recommended penalty is revocation of the accused's appointment.

File No. ALW C09-221:

SPECIFICATION NO. 1

Failure to Provide Evidence of Workers' Compensation Insurance and Automobile Liability Insurance, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 3.03(I)(1) and (3) of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants).

(1) At all times herein mentioned Hanley Chan, Star Number 2683, (Referred to as "the accused") was and is a Patrol Special Officer in the City and County of San Francisco. The accused is currently suspended by the Department from engaging in any patrol special duties.

(2) Patrol Special Officers are defined as "A private patrol person, appointed by the Police Commission, who contracts to perform security duties of a

private nature for private persons or businesses within the geographical boundaries set forth by the Police Commission. A Patrol Special is the owner of a beat. A Patrol Special is responsible for knowing and obeying the rules and procedures of the Patrol Special Officers and Assistant Patrol Special Officers." (See *Interim Rules and Procedures for Patrol Special Officers and Their Assistants, Adopted by the San Francisco Police Commission December 10, 2008.*)

(3) In January, 2009, Lt. Curtis Lum #2128 attempted to obtain proof of insurance from the accused.

(4) Rule 3.03(I) of the Interim Rules and Procedures for Patrol Special Officers and Assistant Patrol Special Officers requires Patrol Special Officers to provide evidence of workers' compensation, commercial general liability and commercial automobile liability insurance. A copy of the interim rules and procedures for Patrol Special Officers and their Assistants was sent to the accused on January 9, 2009.

(5) Lt. Lum originally gave the accused a due date of January 31, 2009 to provide proof of insurance pursuant to Rule 3.03(I). From January, 2009 until August 27, 2009, Lt. Lum made numerous attempts via email, mail and personal contact to get the accused to comply with the direct order.

(6) In response to the due date of January 31, 2009, which had come and past, the accused sent Lt. Lum an email on February 27, 2009 stating that he was out of town and would provide the required documents by March 10, 2009.

(7) The accused failed to provide proof of insurance by March 10, 2009. Lt. Lum made several unsuccessful attempts to obtain the documents following the second deadline of March 10, 2009. However, the accused would not return Lt. Lum's phone calls and he rarely responded to emails.

(8) On June 9, 2009, Lt. Lum sent the accused a letter, dated June 8, 2009, directing him to provide the proof of insurance.

(9) On July 10, 2009, Lt. Lum personally contacted the accused, showed him the letter dated June 8, 2009 and asked him if he had received it. The accused acknowledged that he had received the letter but stated that he could not locate the paperwork and was having difficulty contacting his insurance agent.

(10) On July 22, 2009, Lt. Lum informed the accused, via email, that if he did not have proof of insurance, as required by Rule 3.03(I), by July 29, 2009, he would forward the case to Management Control Division of the San Francisco Police Department.

(11) On July 23, 2009, the accused provided proof of General Liability insurance only. At this time, the accused was again informed that he also needed to provide proof of automobile liability and workers' compensation insurance.

(12) On August 6, 2009, the accused contacted Lt. Lum regarding another matter and Lt. Lum asked for proof of insurance again. The accused stated that he was still having trouble contacting his insurance agent and requested an extension until August 27,2009. The accused was informed that this would be the last extension granted.

(13) On August 10, 2009, Lt. Lum emailed the accused to reiterate the final deadline of August 27, 2009 to provide proof of workers' compensation insurance and automobile liability insurance.

(14) On August 13, 2009, Lt. Lum received a telephone call from Assistant Patrol Special Roberto Ortega #2608. He stated that on July 16, 2009 he was working for the accused. On this date, he was on-duty, and in full

uniform when a civilian noticed that the left side of his face appeared to be dropping. The civilian also told Assistant Patrol Special Officer Ortega that he might be having a stroke.

(15) Assistant Patrol Special Officer Ortega finished his shift and shortly thereafter noticed that his face was dropping and he could not move his left arm. He went to the hospital on July 17, 2009 and was diagnosed as having suffered a stroke.

(16) According to Assistant Patrol Special Officer Ortega, he notified his employer, the accused, on July 17, 2009. The accused visited with him in the hospital and told him he would research a workers' compensation claim for him.

(17) A few weeks later, the accused visited Assistant Patrol Special Officer Ortega at his residence and informed him that he did not have workers' compensation insurance because it was too expensive.

(18) On August 26, 2009, the accused faxed Lt. Lum proof of workers' compensation insurance from TWIW Insurers. According to the paperwork, the policy was effective August 21, 2009 through August 21, 2010 and an agent from TWIW confirmed that the accused obtained the policy on August 21, 2009.

(19) On September 18, 2009, the accused was interviewed by the Management Control Division and admitted that he did not obtain workers' compensation insurance until August 21, 2009.

(20) The accused, by failing to obtain and provide proof of workers' compensation insurance and automobile insurance violated Rule 3.03(I)(1) and (3) of the Interim Rules and Procedures for Patrol Special Officers and their Assistants. Furthermore, the accused admitted that he did not obtain the required insurance until August 21, 2009. Any reasonable Patrol Special Officer must know that such conduct is cause for discipline or revocation of his appointment. Rule 3.03(I)(1) and (3) of the *Interim Rules and Procedures for Patrol Special Officers and Their Assistants, Adopted by the San Francisco Police Commission on December 10, 2008* states:

"3.03 QUALIFICATION/REQUIREMENT FOR PATROL SPECIAL OFFICERS

Patrol Specials at the time of appointment shall:

(I) Present evidence of insurance in the following amounts:

(1) For Patrol Special Police Officers who employ any person or persons, Workers' Compensation, in statutory amounts, with Employers' Liability Limits not less than $1,000,000.00 each accident, injury, or illness.

(3) Commercial Automobile Liability Insurance with limits not less than $1,000.000.00 each occurrence Combined Single Limit for Bodily Injury and Property Damage, including Owned, Non-Owned and Hired auto coverage, as applicable."

SPECIFICATION NO. 2

Failure to Obey the Lawful Order of a Police Officer, conduct which undermines the good order, efficiency and discipline of the Department (a violation of Rule 4.03 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants).

(21) Each allegation incorporated in Specification No. 1, paragraphs (1) through (20) is incorporated by reference as though fully set forth herein.

(22) Numerous attempts were made to contact the accused and obtain proof of insurance. The accused ignored multiple telephone calls, barely responded to emails and requested at least three extensions to provide the requested information. Almost six months passed before the accused provided proof of insurance. The accused, by failing to comply with Lt. Lum's direct orders to provide proof of insurance, engaged in conduct which violates Rule 4.03 of the Interim Rules and Procedures for Patrol Special Officers and Their Assistants, Adopted by the San Francisco Police Commission December 10, 2008. Any reasonable Patrol Special Officer must know that such conduct is cause for discipline or revocation of his appointment. Rule 4.03 of the Interim Rules and Procedures for Patrol Special Officers and their Assistants states:

"ORDERS OF POLICE OFFICERS. Patrol Specials and Assistant Patrol Specials shall strictly obey and promptly execute the lawful orders of police officers."

PENALTIES:

(23) The accused currently has seven separate Police Commission charges pending before the Police Commission with a trial date of November 10, 2009. The Department requests that all of the accused's matters be consolidated in one proceeding. If found guilty after trial and hearing by the Police Commission, the recommended penalty is revocation of the accused's appointment.

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Appendix A, Section A 8.343 of the Charter of the City and County of San Francisco on December 2, 2009 where the matter was submitted to the Police Commission for decision; therefore be it

RESOLVED, that based on the stipulated agreement between the parties, consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following:

A. Patrol Special Officer Hanley Chan shall Resign From the Patrol Special Program

PSO Chan shall resign from his position of Patrol Special Officer effective November 10, 2009.

PSO Chan's resignation from his position of Patrol Special Officer has the same effect as the revocation of his appointment.

B. The Department shall Retain Jurisdiction Over All Disciplinary Cases Involving Patrol Special Officer Hanley Chan, Pending the Sale of Beat 72

The Department and the Commission shall retain jurisdiction over all disciplinary matters involving PSO Chan pending the sale of Beat 72. Upon satisfactory proof that PSO Chan has sold Beat 72 and no longer retains any proprietary rights in Beat 72, the Department will dismiss the PSO Chan cases.

The Department may request a formal hearing on all charges involving PSO Chan, including but not limited to the PSO Chan cases, should PSO Chan engage in conduct which is in violation of the Rules and Procedures pending the sale of Beat 72.

C. Patrol Special Officer Hanley Chan Shall Sell and Relinquish Any Proprietary Interest in Beat 72

Patrol Special Officer Hanley Chan agrees to:

1. Sell Beat 72 and divest himself of any future proprietary interest in Beat 72. The Sale of this Beat shall be completed within six to nine months.

2. Appear before the Commission every three months from the date this Agreement is fully executed by the parties and approved by the Commission to provide a status update regarding the sale of Beat 72. (Proposed status dates are as follows: Wednesday March 3, 2010, Wednesday June 2, 2010, and Wednesday September 1, 2010).

3. Waive his right to contest the authority of the Commission to assume control of, and sell, Beat 72 should PSO Chan fail to sell Beat 72 by September 1, 2010.

D. Patrol Special Officer Hanley Chan May, Three (3) Years from Date of this Agreement, Re-Apply to Become a Patrol Special Officer

PSO Chan may reapply to become a Patrol Special Officer three years from the date of this Agreement is fully executed by the parties and approved by the Commission.

There are no assurance, promises or guarantees implied by this Agreement with regards to future employment as a Patrol Special Officer.

If this decision is subject to review under Code of Civil Procedure §1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, §1094.6.

AYES: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan

(These proceedings were transcribed in shorthand form by Ms. Anna Greenley, CSR.)

PUBLIC COMMENT

Dan Diuz, Lower Polk Area, commended PSO Chan.
Ann Grogan commended PSO Chan.
Unidentified commended PSO Chan.

PUBLIC COMMENT ON ALL MATTER PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Pan, second by Commissioner Mazzucco. Approved 6-0.

CLOSED SESSION continued (8:40 to 9:50 p.m.)

b. PERSONNEL EXCEPTION: Hearing on the Appeal of the Chief's Suspension and possible action to sustain or not sustain the Chief's Action as filed in Case No. ALW D09-174

Present: Commissioners Marshall, Mazzucco, Lee, Hammer, Onek, Pan, Chief Gascón, Deputy City Attorney Blits, Lt. Reilly, Attorney Worsham, Attorney Hinckley, and member involved.

Continued to December 16, 2009.
(These proceedings were taken in shorthand form by Ms. Anna Greenley, CSR)

c. CONFERENCE WITH LEGAL COUNSEL: Anticipated Litigation City as Defendant (Number of potential cases: 1)

Continued to a later date.

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Pan, second by Commissioner Mazzucco for non disclosure. Approved 5-0.

ADJOURNMENT

Motion by Commissioner Pan, second by Commissioner Hammer. Approved 5-0.

Thereafter, the meeting was adjourned at 9:06 p.m.

_____

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

F
45
1
2/9/09
c.2

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, DECEMBER 9, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

1. **Adoption of Minutes** (ACTION ITEM)
   - Regular Meeting of October 21st & 28, 2009

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

12-09-09 [illegible]

GOVERNMENT
DOCUMENTS DEPT

DEC - 9 2009

SAN FRANCISCO
PUBLIC LIBRARY

4. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
   - Assignment of Disciplinary Charges filed in Case No. ALW C09-208 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission meetings

5. Discussion and possible action to adopt revised Department General Order 11.04, "Peer Support Program" (ACTION ITEM)

6. Discussion and possible action to sustain or not sustain disciplinary charges filed against Inspector Marvetia L. Richardson, File Nos. ALW C07-076, filed on June 14, 2007, and ALW C09-004, filed on February 19, 2009 (DISCUSSION AND POSSIBLE ACTION)

   The Commission may decide to consider Item No. 6, in whole or in part, in closed session pursuant to Government Code section 54957(b)(1), S.F. Administrative Code Section 67.10(b), and Penal Code section 832.7.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, DECEMBER 9, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

7. Public Comment on all matters pertaining to Closed Session.

8. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

9. Closed Session (DISCUSSION ONLY)

   a. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1):
   CONFERENCE WITH LEGAL COUNSEL
   Yee Mai Hung v. CCSF, et al., San Francisco Superior Court No. 484637

   b. Pursuant to Government Code section 54956.9(b)(1) and San Francisco Administrative Code Section 67.10(d)(2): (DISCUSSION ONLY)
   CONFERENCE WITH LEGAL COUNSEL : Anticipated Litigation
   City as Defendant (Number of potential cases: 1)

(OPEN SESSION)
Roll Call.

10. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

11. Approval of Consent Calendar (ACTION ITEM)
   a. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:
   Yee Mai Hung v. CCSF, et al., San Francisco Superior Court No. 484637
   b. Request of Officer Ana Lee for approval to accept three (3) gift certificates for one pound boxes of See's Candies, valued at $15.60 each, from Mrs. Theresa Rasso, for use as raffle prizes at the Ingleside Station Christmas Dinner

12. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

DECEMBER 9, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:46 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Hammer, Onek, Pan

ADOPTION OF MINUTES

- **Regular Meeting of October 21st & 28, 2009**

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 7-0.

PUBLIC COMMENT

Dr. Nancy Cross discussed concerns regarding actions of officers and misdemeanors.

Barry Tarranto, cab driver, commended Chief Gascón on his recent KCBS interview and discussed concerns regarding Captain Tacchini being placed in charge of the Permit Bureau.

REPORTS TO THE COMMISSION

a. Chief's Report

- **Update on significant policing efforts by Department members**

Assistant Chief Lynch reported that the Department is continuing to move forward with the reorganization and Compstat. The Department is also looking at contingencies to deal with the current fiscal crisis that's facing the city. Chief Lynch also clarified that the Taxi Detail is currently reporting to Deputy Chief Murphy and not Captain Tacchini.

b. OCC DIRECTOR'S REPORT

- **Review of recent activities**

Director Hicks reported that the OCC opened 969 cases to date and closed 958 and sustained 48 cases; 405 pending cases for 2009 and 1 pending for 2008. The OCC mediated one case this month for a total of 75 cases mediated in 2009.

c. COMMISSION REPORTS

- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Marshall reported that Chief Gascón and Chief Batts of Oakland PD were guests at his radio program and commended both Chiefs for a great interview. Commissioner Marshall also commented regarding a newspaper article in regards to discipline and the Commissioners hearing cases and clarified that days and hearings do not adequately represent a commissioner's activity when it comes to pursuing cases. Commissioner Marshall stated that all the Commissioners are working very hard.

Commissioner Mazzucco also asked for number of officers that are on restricted duty due to disciplinary charges filed against them. Commissioner Mazzucco also asked that the 10 oldest commission cases be put on the calendar next week for setting of dates for hearings.

Assistant Chief Lynch stated that there are 35 officers, as of this date, administratively assigned.

Commissioner Hammer stated that be strongly believes in the principle of civilian oversight and also strongly believes in police officers' rights.

GOVERNMENT DOCUMENTS DEPT

FEB 18 2010

SAN FRANCISCO PUBLIC LIBRARY

Commissioner Hammer suggested that the Commission should have an open discussion about what the Commission's aspirations are in terms of dealing with police discipline cases. The Commission should have a discussion as to when cases should be disposed of.

Commissioner Onek stated that he supports Commissioners Mazzucco and Hammer for their ideas to speed the discipline process up and that it is imperative that the Commission get good officers back on the street and that officers who are found guilty and should no longer be with the Department should no longer be getting a paycheck.

PUBLIC COMMENT
None

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

- Assignment of Disciplinary Charges filed in Case No. ALW C09-208 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (Resolution No. 124-09, Assigned to Commissioner James Hammer)

b. Scheduling of items identified for consideration at future Commission meetings

Discussion in regards to police discipline cases and discussion for location of future district meetings.

PUBLIC COMMENT
None

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED DEPARTMENT GENERAL ORDER 11.04, "PEER SUPPORT PROGRAM"

Director Alice Villagomez, Human Resources, presented Department General Order 11.04. Director Villagomez introduced Lt. Tom and Sergeant Dunnigan of the Behavioral Science Unit.

Motion by Commissioner Onek, second by Commissioner Mazzucco. Approved 7-0.

RESOLUTION 125-09

ADOPTION OF REVISED DEPARTMENT GENERAL ORDER 11.04, "PEER SUPPORT PROGRAM"

RESOLVED, that the Police Commission hereby approves adoption of revised Department General Order 11.04, "Peer Support Program." (Draft dated 07/29/09)

AYES: Commissioners Marshall, Mazzucco, DeJesus, Hammer, Lee, Onek, Pan

DISCUSSION AND POSSIBLE ACTION TO SUSTAIN OR NOT SUSTAIN DISCIPLINARY CHARGES FILED AGAINST INSPECTOR MARVETIA L. RICHARDSON, FILE NOS. ALW C07-076, FILED ON JUNE 14, 2007, AND ALW C09-004, FILED ON FEBRUARY 19, 2009

Commissioner Onek stated that Inspector Richardson had requested an open session so this case will be heard in open session.

Mr. Quinton Cutlip, Attorney for Inspector Richardson, suggested that the remainder of the hearing be heard in closed session.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 7-0.

CLOSED SESSION (6:23 p.m. to 8:04 p.m.)

- **Discussion And Possible Action To Sustain Or Not Sustain Disciplinary Charges Filed Against Inspector Marvetia L. Richardson, File Nos. ALW C07-076, Filed On June 14, 2007, and ALWC09-004, Filed On February 19, 2009** \

(Present: Commissioners Marshall, Mazzucco, DeJesus, Lee, Hammer, Onek, Pan, Assistant Chief Lynch, Deputy City Attorney Blits, Lieutenant Reilly, Attorney Worsham, Attorney Cutlip, Inspector Richardson)
(These proceedings were taken in shorthand form by Ms. Anna Greenley, CSR.)

CLOSED SESSION (8:07 p.m. to 9:00 p.m.)

a. **CONFERENCE WITH LEGAL COUNSEL**
Yee Mai Hung v. CCSF, et al, San Francisco Superior Court No. 484637

b. **CONFERENCE WITH LEGAL COUNSEL: Anticipated Litigation City as Defendant (Number of potential cases: 1)**
Continued at a later date.

(Present: Commissioners Marshall, Mazzucco, DeJesus, Lee, Hammer, Onek, Pan, Assistant Chief Lynch, Deputy City Attorney Ross, Lieutenant Reilly)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner DeJesus, second by Commissioner Hammer for non disclosure. Approved 7-0.

APPROVAL OF CONSENT CALENDAR

a. **Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney: Yee Mai Hung v. CCSF, et al., San Francisco Superior Court No. 484637**

b. **Request of Officer Ana Lee for approval to accept three (3) gift certificates for one pound boxes of See's Candies, valued at $15.60 each, from Mrs. Theresa Rasso, for use as raffle prizes at the Ingleside Station Christmas Dinner**

Motion by Commissioner Mazzucco, second by Commissioner DeJesus. Approved 7-0.

PUBLIC COMMENT
None

RESOLUTION NO. 127-09

YEE MAI HUNG v. CCSF, ET AL.

RESOLVED, that the recommendation of the City Attorney for settlement in the litigation of "Yee Mei Hung v. City and County of San Francisco, et al.," in San Francisco Superior Court Case No. CGC-09-484637, be, and the same is hereby approved.

Date of Incident: January 25, 2008

AYES: Commissioners Marshall, Mazzucco, DeJesus, Hammer, Lee, Onek, Pan

RESOLUTION NO. 128-09

APPROVAL OF THE REQUEST OF OFFICER ANA LEE TO ACCEPT THREE (3) GIFT CERTIFICATES FOR ONE POUND BOXES OF SEE'S CANDIES, VALUED AT $15.60 EACH, FROM MRS. THERESA RASSO, FOR USE AS RAFFLE PRIZES AT THE INGLESIDE STATION CHRISTMAS PARTY

RESOLVED, that the Police Commission hereby approves the request of Officer Ana Lee to accept three (3) gift certificates for one pound boxes of See's Candies, valued at $15.60 each, from Mrs. Theresa Rasso, for use as raffle prizes at the Ingleside Station Christmas party.

AYES: Commissioners Marshall, Mazzucco, DeJesus, Hammer, Lee, Onek, Pan

ADJOURNMENT

Commissioner Marshall adjourned the meeting in memory of Commissioner DeJesus' mom. Motion by Commissioner Onek, second by Commissioner Hammer. Approved 7-0.

Thereafter, the meeting was adjourned at 9:07 p.m.

_____

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, DECEMBER 16, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

45
1
2/16/09

1. **Public Comment**
(Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

J11-11-0900 SA

2. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

GOVERNMENT
DOCUMENTS DEPT

DEC 10 2009

SAN FRANCISCO
PUBLIC LIBRARY

3. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
   b. Scheduling of items identified for consideration at future Commission meetings
   c. Discussion and possible action to set the locations of future District Commission Meetings (ACTION ITEM)

4. Discussion and possible action to take off calendar indefinitely the disciplinary charges filed in Case No. ALW C09-208. Member terminated, effective December 9, 2009. Said disciplinary charges will be placed back on calendar should said member be within the jurisdiction of the Police Commission in the future (ACTION ITEM)

5. Public Comment on all matters pertaining to Closed Session.

6. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

7. **Closed Session**

   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
   PERSONNEL EXCEPTION: Hearing on the Appeal of the Chief's Suspension and possible action to sustain or not sustain the Chief's Action as filed in Case No. ALW D09-174 (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, DECEMBER 16, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Closed Session continued:

b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. SM C07-014
(ACTION ITEM)

c. Pursuant to Government Code section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Status and calendaring of the following pending disciplinary matters: C01-032, C06-217, C06-218, C06-219, C06-220, C05-190, C06-132, C05-094, C06-202, C08-128; the following are appeals of the Chief's Suspension: D03-363 & C04-039 (DISCUSSION ONLY)

(OPEN SESSION)
Roll Call.

8. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

9. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reidy
Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, DECEMBER 16, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Public Comment**
(Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

2. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

GOVERNMENT
DOCUMENTS DEPT

DEC 15 2009

SAN FRANCISCO
PUBLIC LIBRARY

3. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
   b. Scheduling of items identified for consideration at future Commission meetings
   c. Discussion and possible action to set the locations of future District Commission Meetings (ACTION ITEM)

4. Discussion and possible action to take off calendar indefinitely the disciplinary charges filed in Case No. ALW C09-208. Member separated from the Department, effective December 9, 2009. Said disciplinary charges will be placed back on calendar should said member be within the jurisdiction of the Police Commission in the future (ACTION ITEM)

5. Public Comment on all matters pertaining to Closed Session.

6. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

7. **Closed Session**

   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
   PERSONNEL EXCEPTION: Hearing on the Appeal of the Chief's Suspension and possible action to sustain or not sustain the Chief's Action as filed in Case No. ALW D09-174 (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, DECEMBER 16, 2009
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Closed Session continued:

b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. SM C07-014
(ACTION ITEM)

c. Pursuant to Government Code section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Status and calendaring of the following pending disciplinary matters: C01-032, C06-217, C06-218, C06-219, C06-220, C05-190, C06-132, C05-094, C06-202, C08-128; the following are appeals of the Chief's Suspension: D03-364 & C04-039 (DISCUSSION ONLY)

(OPEN SESSION)
Roll Call.

8. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

9. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

DECEMBER 16, 2009 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall Mazzucco, DeJesus, Lee, Hammer, Onek, Pan

GOVERNMENT DOCUMENTS DEPT

FEB 22 2010

SAN FRANCISCO PUBLIC LIBRARY

PUBLIC COMMENT

None

REPORTS TO THE COMMISSION

a. Chief's Report

- Update on significant policing efforts by Department members

Chief Gascón reported that the Department is experiencing more problems with technology and reporting numbers. The Chief stated that last week he found out that the Department has not been reporting numbers on domestic violence cases, aggravated assault cases, and that the Department have not been doing so for many years. The Chief also stated that, after meeting with Oracle, that there are a lot of cases that in the translation when they go into the CABLE System are coded incorrectly and that there are no quality control systems. The Chief stated that the Department is having a lot of problems with numbers and that the Department is looking for solutions for this. The Chief stated that the Department have been under reporting to the Department of Justice the number of domestic violence cases by approximate 1200 cases per year. Because of these findings, the Chief stated that he will not be able to deliver what he promised of having clean numbers by January 21, 2010.

Commissioner Onek stated that the Department needs to commit the resources in order to fix the problem.

Commissioner Pan urged the Chief to really stay on this and stated that if the Chief can quantify the extent of the pro bono services provided by Oracle, it might make argument stronger as to why the budget is not sufficient. Commissioner Pan stated that the Department be transparent on that matter as to not sell the department short in terms of what it really needs.

Commissioner Hammer asked about a press conference held regarding dramatic reduction of crime in San Francisco and are those numbers suspect now. Chief Gascón stated that homicides are down 55 percent and that number is accurate, however, in aggravated assault cases there are about 1200 or 1300 cases every year that have occurred that were not counted; theft & burglary from vehicles, the Department is probably undercounting. Commissioner Hammer suggested looking at civilianization for the I.T. Unit.

Commissioner DeJesus asked how much is needed to fix this. Chief Gascón stated that it will be about $6 million to $8 million but the Department is looking into grants to help fund this. The Chief stated that he is asking for support from the Commission and the public that this matter needs to be dealt with immediately.

Commissioner Hammer asked the Chief for numbers of officers taken off patrol due to pending discipline proceedings.

Commissioner Mazzucco asked what can be done in the interim to have accurate statistics. Chief Gascón stated that additional codes have to be created for the Cable System for proper classification and this is already being done. The other thing being done is to tighten up the business practice to make sure accurate

information is being entered. The Chief stated that that part will be fixed by January 18th.

Commissioner Mazzucco also announced that there are 20 officers assigned to desk duty due to pending discipline proceedings and of those 20, three are off without pay.

Commissioner Onek asked that the Commission be updated on this issue in order to support the Chief and the Department in solving this problem. Chief Gascón asked that one Commissioner be involve in the groups that are being put together, hear from Oracle, so that the Commission will see firsthand some of the issues faced by the Department. Commissioner Onek stated that he will be happy to do this.

Commissioner Pan stated that he too will volunteer with Commissioner Onek.

b. OCC Director's Report
- Review of recent activities

Director Hicks stated that the OCC opened 983 cases to date, 45 cases opened in December; sustained 49 cases. The OCC has 393 pending cases from 2009 and none for 2008. The OCC mediated 76 cases to date, 2 cases mediated in December.

Commissioner Onek commended the OCC for having no 2008 pending cases.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports

Commissioner Lee reported that she attended the Portola Neighborhood Working Group put together by Sergeant Kirk Yin of the Bayview Station and hopes that the Commission will go in the Portola neighborhood for a future district meeting.

PUBLIC COMMENT
None

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements
b. Scheduling of items identified for consideration at future Commission meetings
c. Discussion and possible action to set the locations of future District Commission Meetings

Lieutenant Reilly announced that this meeting will be the last for the year 2009.

Commissioner Pan updated the Commission in regards to the OIS Study and asked that this item be calendared for January 27th and that copies be available to the Commission by the 20th. Commissioner Marshall stated that the 27th is a community meeting. Chief Gascón will calendar after the 27th which will be on February 3rd.

Commissioner Hammer would like a meeting on the 6th or the 13th of January to set up standards for the Commission to hear and move disciplinary cases forward.

RESOLUTION NO. 129-09

SETTING THE LOCATIONS OF FUTURE DISTRICT COMMISSION MEETINGS

RESOLVED, that the following District Meetings will be held in the following Districts:

January 27, 2010 – Northern (preferably in the Western Addition area)
February 24, 2010 – Mission (preferably in the Castro or upper Market area)
March 31, 2010 – Bayview (preferably in the Portola area)
April 28, 2010 – Taraval (preferably in the outer Sunset area)

AYES: Commissioners Marshall, Mazzucco, DeJesus, Lee, Hammer, Onek, Pan

PUBLIC COMMENT
None

DISCUSSION AND POSSIBLE ACTION TO TAKE OFF CALENDAR INDEFINITELY THE DISCIPLINARY CHARGES FILED IN CASE NO. ALW C09-208. MEMBER SEPARATED FROM THE DEPARTMENT, EFFECTIVE DECEMBER 9, 2009. SAID DISCIPLINARY CHARGES WILL BE PLACED BACK ON CALENDAR SHOULD SAID MEMBER BE WITHIN THE JURISDICTION OF THE POLICE COMMISSION IN THE FUTURE
(Resolution No. 130-09)

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 7-0.

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Hammer, second by Commissioner Mazzucco. Approved 7-0.

CLOSED SESSION (7:06 p.m. to 8:50 p.m.)

a. **PERSONNEL EXCEPTION: Hearing on the Appeal of the Chief's Suspension and possible action to sustain the Chief's Action as filed in Case No. ALW D09-174** (Resolution No. 131-09)
(Present: Commissioner Marshall, Mazzucco, DeJesus, Lee, Hammer, Onek, Pan, Deputy City Attorney Blits, Lieutenant Reilly, Attorney Worsham, Attorney Hinckley, and member involved)

b. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. SM C07-014** (Resolution No. 132-09)
(Present: Commissioner Marshall, Mazzucco, DeJesus, Lee, Hammer, Onek, Pan, Deputy City Attorney Blits, Lieutenant Reilly, Attorney Fraenkel, Mr. S. Johnson, and member involved)

c. **PERSONNEL EXCEPTION: Status and calendaring of the following pending disciplinary matters: C01-032, C06-217, C06-218, C06-219, C06-220, C05-190, C06-132, C05-094, C06-202, & C08-128; the following are appeals of the Chief's Suspension: D03-364 & C04-039**

(Present: Commissioner Marshall, Mazzucco, DeJesus, Lee, Hammer, Onek, Pan, Deputy City Attorney Blits, Lieutenant Reilly, Attorney Fraenkel, Attorney O'Haire, Mr. S. Johnson)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner DeJesus, second by Commissioner Lee for non disclosure. Approved 7-0.

ADJOURNMENT

Motion by Commissioner Onek, second by Commissioner Marshall. Approved 7-0.

Thereafter, the meeting was adjourned at 8:54 p.m.

_____

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

CITY HALL
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

5
1
/23, 30/09
ancelled

The Commission will not have a regular meeting on December 23rd and 30, 2009

Please join the Commission at its next regular meeting on Wednesday, January 6, 2010, at 5:30 p.m., in Room 400, at City Hall.

GOVERNMENT
DOCUMENTS DEPT

DEC 18 2009

SAN FRANCISCO
PUBLIC LIBRARY

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

8094 6

Houchen
Binderies Ltd